

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE NO.: 9N-1.001 **RULE TITLE:** State Building Code Adopted

PURPOSE AND EFFECT: To conduct a final rule development workshop before the Commission to accept public input regarding proposed modifications to the selected edition of the model codes and comments received since committee review of those proposals. The combination of the selected model codes and approved modifications comprise the 2010 Florida Building Code in conformity with the triennial update process specified in Sections 553.73(3), (6), Florida Statutes. Local technical amendments to the 2007 Florida Building Code and continuation of previously adopted Florida-specific amendments will also be considered. The modifications and the committee recommendation with regard thereto are available via the Commissions website, www.floridabuilding.org.

SUBJECT AREA TO BE ADDRESSED: The Florida Building Code.

RULEMAKING AUTHORITY: 553.73(1), 553.73(2), 553.73(7), 553.73(8), 553.901 FS.

LAW IMPLEMENTED: 553.72, 553.73(2), 553.73(3), 553.73(7), 553.73(8), 553.73(9), 553.901 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 7, 2010, 8:30 a.m. until completion which may entail further consideration on subsequent days.

PLACE: Crown Plaza Hotel, Melbourne, 2605 Highway A1A N., Indialantic, Florida 32903

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CITRUS

RULE NO.: 20-39.003 **RULE TITLE:** Approved Boxes

PURPOSE AND EFFECT: Adding an experimental container to the approved list of containers at the request of the industry.

SUBJECT AREA TO BE ADDRESSED: Adding a container to the approved boxes listed in Rule 20-39.003, F.A.C.

RULEMAKING AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or awiggins@citrus.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-711.110	Forms
62-711.300	Waste Tire Permit Requirements
62-711.400	Waste Tire Prohibitions
62-711.500	Waste Tire Site Notification and Requirements
62-711.520	Waste Tire Collector Requirements
62-711.530	Waste Tire Processing Facility Requirements

- 62-711.540 Storage Requirements
- 62-711.550 Waste Tire Collection Center Requirements
- 62-711.700 Closing of Waste Tire Sites
- 62-711.801 General Permits

PURPOSE AND EFFECT: The Department intends to begin to offer waste tire registrations online. As a result, several minor changes need to be made to the registration requirements and form. There are also several other minor or clerical changes that need to be made to the rule.

SUBJECT AREA TO BE ADDRESSED: Waste Tires.

RULEMAKING AUTHORITY: 403.704, 403.717, 403.814 FS.

LAW IMPLEMENTED: 403.087, 403.707, 403.717, 403.814 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8735, or email at Richard.Tedder@dep.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

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| RULE NOS.: | RULE TITLES: |
| 64B8-9.0131 | Standards of Practice for Physicians Practicing in Pain Management Clinics |
| 64B8-9.0132 | Requirement for Pain Management Clinic Registration; Inspection or Accreditation |

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the standards of practice for physicians practicing in pain management clinics, including but not limited to, training requirements. In addition the Board proposes rule development to review the criteria for clinic registration and inspection.

SUBJECT AREA TO BE ADDRESSED: Standards of practice for pain management clinics, including training requirements and the requirements for registration, inspection or accreditation.

RULEMAKING AUTHORITY: 458.3265(4)(d) FS.

LAW IMPLEMENTED: 458.3265(4)(d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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| RULE NOS.: | RULE TITLES: |
| 64B15-14.0051 | Standards of Practice for Physicians Practicing in Pain Management Clinics |
| 64B15-14.0052 | Requirement for Pain Management Clinic Registration; Inspection or Accreditation |

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the standards of practice for physicians practicing in pain management clinics. In addition the Board proposes rule development to review the criteria for clinic registration and inspection.

SUBJECT AREA TO BE ADDRESSED: Standards of practice for pain management clinics and the requirements for registration, inspection or accreditation.

RULEMAKING AUTHORITY: 459.0137(4)(d) FS.

LAW IMPLEMENTED: 459.0137(4)(d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Disease Control

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| RULE NO.: | RULE TITLE: |
| 64D-4.002 | Definitions |

PURPOSE AND EFFECT: The purpose and effect of this amendment will be to decrease the federal poverty level (FPL) from 400% to 300% FPL. The federal poverty level is used for eligibility purposes for the HIV/AIDS Patient Care Programs to better serve low income persons living with HIV disease. The change is part of the cost containment process to serve the neediest due to an unprecedented demand for services and lack of funding.

SUBJECT AREA TO BE ADDRESSED: The proposed revisions decrease the federal poverty level for those persons living with HIV disease to be able to access services.

RULEMAKING AUTHORITY: 381.003(1)(c) FS.

LAW IMPLEMENTED: 381.011(1), 381.003(1)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Suzanne Stevens, Bureau of HIV/AIDS, 4052 Bald Cypress Way, Bin #A09, Tallahassee, Florida 32399-1715, (850)245-4335

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

RULE NO.: 64K-1.007 **RULE TITLE:** Indicators of Substance Abuse

PURPOSE AND EFFECT: The Department determined that a new rule is needed to implement the 2010 statute requiring the program manager to work with the stakeholders to develop a rule to identify the indicators of controlled substance abuse.

SUBJECT AREA TO BE ADDRESSED: Indicators of Substance Abuse.

RULEMAKING AUTHORITY: 893.005 FS.

LAW IMPLEMENTED: 893.005 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 3, 2010, 10:00 a.m.

PLACE: The Betty Easley Conference Center, Conference Room #152, 4075 Esplanade Way, Tallahassee, Florida 32399
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: telephone number (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca R. Poston, BPharm, RPh., Program Manager, 4052 Bald Cypress Way, Bin #C-16, Tallahassee, Florida 32399, telephone number (850)245-4797

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.: 68C-22.010 **RULE TITLE:** Broward County Zones

PURPOSE AND EFFECT: The Commission is considering amendments to the existing manatee protection rule for Broward County. In April 2010, at the request of the Commission and as provided by Section 379.2431(2)(f), F.S., Broward County established a Local Rule Review Committee (LRRC) to review and comment on a preliminary rule proposal. The LRRC met 13 times and the Commission received the LRRC final report in August 2010. The Commission is scheduled to consider the LRRC report and Commission staff recommendations for proposed rule amendments at the December 1-2, 2010, Commission meeting to be held in Weston. The agenda for this meeting and background information on this issue can be viewed on-line at: http://www.myfwc.com/COMMISSION/2010/Comm_10_AgendaDec.htm.

SUBJECT AREA TO BE ADDRESSED: Manatee protection rule for Broward County.

RULEMAKING AUTHORITY: 379.2431(2) FS.

LAW IMPLEMENTED: 379.2431(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Scott Calleson, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399 (telephone (850)922-4330)
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-162.011 **RULE TITLE:** Suitability and Disclosure in Annuity Contracts-Forms Required

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the existing rule to reflect certain provisions of Senate Bill 2176, a general insurance bill passed by the 2010 Legislature. The relevant statute, Section 626.99(4)(c), F.S., has been amended to require cover pages for fixed and variable annuity contracts. The effect of the proposed rule is to provide clear and concise information to consumers regarding their rights to cancel annuity contracts and to receive unconditional refunds. In addition to the mandatory formatting requirements, the proposed rule amendment requires that annuity cover pages contain specific cautionary language to inform consumers of the risks, policy features and contact sources for those seeking additional information or to report complaints.

SUBJECT AREA TO BE ADDRESSED: Annuity Policy Cover Pages.

RULEMAKING AUTHORITY: 624.308(1), 626.016, 627.4554(10) FS.

LAW IMPLEMENTED: 624.307(1), 626.308, 626.99(4)(c), 627.4131, 627.4554 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, December 13, 2010, 10:00 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Brinkley, Special Investigator, Bureau of Investigation, Division of Agent & Agency Services, Florida Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5654

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.0014	Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components.

SUMMARY: The rule incorporates revisions to selected data elements, procedures and timelines for state reporting, local recordkeeping, and statewide records transfer which are to be implemented by each school district and the Department of Education within the automated statewide comprehensive management information system. The rule contains the security, privacy and retention procedures to be used by the Department of Education for school district, student, staff and finance records collected and maintained at the state level.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.536(1), 120.54, 1001.02(1), 1002.22(3)(a), 1008.385(3) FS.

LAW IMPLEMENTED: 1002.22, 1008.385(2), 1010.305 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 17, 2010, 11:00 a.m.

PLACE: Miami Dade College – Wolfson Campus, 300 N.E. 2nd Avenue, Building 2000, Room 2106, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)245-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled “DOE Information Data Base Requirements: Volume I – Automated Student Information System, 2010 2009,” “DOE Information Data Base Requirements: Volume II – Automated Staff Information System, 2010 2009,” and “DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995.” These publications which include the Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) No change.

Rulemaking Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-3-96, 5-20-97, 10-13-98, 10-18-99, 10-17-00, 5-19-03, 7-20-04, 4-21-05, 3-1-07, 3-24-08, 11-26-08, 12-15-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kris Ellington, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099824
 RULE TITLE: Voluntary Prekindergarten (VPK) Program Good Cause Exemption

PURPOSE AND EFFECT: Pursuant to Section 1002.69, F.S., the State Board of Education, upon request of a private prekindergarten provider or public school that remains on probation for two consecutive years or more and subsequently fails to meet the minimum rate adopted under Section 1002.69(6)(a), F.S., and for good cause shown may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. The purpose of the proposed rule is to adopt procedures and criteria for submission of a Voluntary Prekindergarten (VPK) provider’s request for a good cause exemption and describe the

Department’s review process before making a recommendation to the State Board of Education for approval or denial of the good cause exemption request. The effect is a rule to implement Section 1002.69, F.S.

SUMMARY: The proposed rule establishes the criteria and process for a low performing VPK provider’s request for a good cause exemption under Section 1002.69, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Although the rule will impact a limited number of small businesses, no additional costs are created.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1002.67(3)(c)4., 1002.69(7), 1002.79 FS.

LAW IMPLEMENTED: 1002.67(3)(c)4., 1002.69(7) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 17, 2010, 11:00 a.m.

PLACE: Miami Dade College – Wolfson Campus, 300 N.E. 2nd Avenue, Building 2000, Room 2106, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stuart Greenberg, Executive Director, Just Read, Florida! and the Office of Early Learning, Department of Education, Suite 514, 325 West Gaines Street, Tallahassee, Florida 32399; (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099824 Voluntary Prekindergarten (VPK) Program Good Cause Exemption.

Pursuant to Section 1002.69, F.S., the State Board of Education, upon request of a private prekindergarten provider or public school that remains on probation for two (2) consecutive years or more and subsequently fails to meet the minimum rate adopted under Section 1002.69(6)(a), F.S., and for good cause shown may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(1) Criteria for Granting Good Cause Exemptions. Each of the following criteria must be met to be granted a good cause exemption:

(a) Learning Gains. The private prekindergarten provider or public school must demonstrate learning gains on a standardized assessment that tracks the achievement and progress over time of the children having completed the provider’s VPK program. The documentation of learning gains shall meet the following criteria:

1. Providers may utilize an assessment from a list of Department-approved assessments which may be accessed on the Department's website at <https://vpk.fldoe.org/Downloads/ProviderAcknowledgement.pdf>. A provider using an assessment which does not appear on the list of approved assessments must include technical documentation supporting the standardized assessment as evidence of the reliability standard of the assessment and must address VPK standards incorporated in Rule 6A-1.099823, F.A.C., not limited to, but including emergent literacy. The standardized assessment must have an internal consistency reliability coefficient of 0.70 or greater as documented in the publisher's technical manual.

2. Testing procedures for each assessment shall be performed according to the publisher's guidelines and assessment results shall be tabulated according to the publisher's guidelines. The provider shall take appropriate measures to ensure the integrity of the testing process. The resulting data from the standardized assessment must be presented in a manner that is clear, concise and easily allows the reviewers to determine the achievement and progress made by the children who completed the VPK program. Applicant must submit a summary of the data using the Department's VPK Good Cause Exemption Data Form VPK-GCE-01, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00031>) January 2011, which is incorporated by reference herein.

3. At a minimum, data must be provided for all years following the third year of a provider having been designated a low performing provider. Additional data may be included. Assessment results for all program completers who were assessed shall be included in the documentation provided. An explanation shall be included for any program completers who were not assessed.

4. The results of the assessment shall demonstrate substantial and appropriate learning gains by program completers.

(b) Student Population. The private prekindergarten provider or public school must have served at least twice the statewide percentage of children with disabilities as defined in Section 1003.01(3)(a), F.S., or children identified as limited English proficient as defined in Section 1003.56, F.S.

(c) Health and Safety Requirements. Pursuant to Section 1002.69(7)(d), F.S., a good cause exemption may not be granted to any private prekindergarten provider that has any Class I violations or two or more Class II violations within the 2 years preceding the provider's or school's application for the exemption. For purposes of this rule, Class I violations and Class II violations have the same meaning as provided in Section 402.281(3), F.S. The good cause exemption application must include copies of all Department of Children and Families Childcare Inspection Checklists for all inspections performed by the Department of Children and

Families under authority of Sections 402.301-402.319, F.S., during the two-year time period prior to application for good cause exemption.

(d) Individual Circumstances. Extraordinary or unique circumstances under which the provider should be allowed to continue to deliver the Voluntary Prekindergarten Education Program after having been designated as low performing for at least four (4) consecutive years.

(e) Faithful adherence to an approved improvement plan under Section 1002.67, F.S.

(2) Calculation of Percentages:

(a) The statewide percentage of kindergarten children with disabilities or limited English proficient students shall be calculated based on the October FTE enrollment survey.

(b) A provider's percentage of children with disabilities shall be calculated based on the number of children with disabilities who were included in the provider's last readiness rate divided by the total number of students included in the provider's last readiness rate.

(c) A provider's percentage of limited English proficient students shall be calculated based on the number of limited English proficient students who were included in the provider's last readiness rate divided by the total number of students included in the provider's last readiness rate.

(3) Application. A provider seeking a good cause exemption shall complete the Department's VPK Good Cause Exemption Application Form VPK-GCE-02, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00032>) January 2011, which is incorporated by reference herein. The submission of an application for a good cause exemption must adhere to the following:

(a) In addition to the application form, the provider must submit with the application supporting documentation meeting the criteria described in subsection (1) of this rule. The provider may submit additional documentation in support of its application.

(b) A fourth-year low performing provider may submit a good cause exemption application at any time after the release of the annual preliminary VPK Readiness Rates; however, the good cause exemption application and all supporting documentation must be received by the Department no later than fourteen (14) days after the timely filed provider acknowledgment of being a low-performing provider submitted pursuant to Rule 6A-1.099821, F.A.C.

(c) The Department may, in its discretion, grant an extension of time for submitting the good cause exemption application or supporting documentation.

(4) Department Review and Recommendation.

(a) Eligibility. The Department shall review each application for a good cause exemption to verify that the provider is eligible to apply. The Department shall deny any

application that is submitted by a provider who does not meet the criteria described in paragraph (1)(b) or (1)(c) of this rule, without further review.

(b) The Department will review each application for a good cause exemption filed by an eligible provider, and shall make a recommendation to the State Board of Education as to whether or not to grant the good cause exemption to the provider. The Department may include outside consultants in the review process. The Department may request additional information from providers to supplement provider applications and may consider additional relevant documentation gathered or received by the Department from any source. The Department shall allow the provider an opportunity to rebut any evidence considered that was not submitted by the provider.

(c) The Department will consider each application individually and shall include in its recommendation and report:

1. Whether the provider met the criteria described in subsection (1) of this rule;
2. Whether the provider was previously granted a good cause exemption;
3. The readiness rates of other providers in comparable circumstances, if such information is available and relevant;
4. Whether the circumstances warrant granting the request for a good cause exemption; and
5. Whether any conditions should be imposed upon the grant of a good cause exemption. Each conclusion or recommendation shall be accompanied by an explanation in the report.

(d)1. The Department shall issue a preliminary recommendation and report and provide a copy of it to the provider.

2. The provider may submit a written response to the Department's preliminary recommendation and report within one (1) week of receipt.

3. The Department shall consider any timely response and revise the recommendation and report, if appropriate.

(5) State Board of Education Determination.

(a) The Department will make its final recommendation to the State Board of Education by forwarding a final recommendation and report to the State Board of Education regarding each application submitted. A copy of the final recommendation and report will be provided to the applicant.

(b) The Department will provide to the State Board of Education copies of the following documents:

1. The provider's good cause application, with supporting documents;
2. Additional documentation considered by the Department in making its recommendation;
3. The Department's preliminary recommendation and report;

4. The provider's response to the preliminary recommendation and report, if one was submitted; and

5. The Department's final recommendation and report.

(c) The State Board of Education may consider a provider's application based on the written submissions alone or may, in its discretion, allow oral argument before the Board.

(d) The State Board of Education shall grant or deny each application. The State Board of Education may conditionally grant an application if, but for the proposed condition(s), the application would be denied.

(e) The Department shall notify the Agency for Workforce Innovation of all good cause exemptions granted by the State Board of Education. Any provider granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under Section 1002.67(3)(c)2., F.S. Any exemption granted by the State Board of Education is valid for one (1) year and may be renewed through the same application process.

(f) The Department will provide onsite review of adherence to curriculum as approved in the provider's improvement plan, implementation of the VPK standards and research based instructional practices, and ensure that ongoing student progress monitoring is administered by all providers granted a good cause exemption.

Rulemaking Authority 1002.73(2), 1002.69(7) FS. Law Implemented 1002.67(3), 1002.69(7) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Frances Haithcock, Chancellor, K-12 Public Schools
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.065
 RULE TITLE: The Educator Accomplished Practices

PURPOSE AND EFFECT: The purpose of the rule amendment is to revise the existing essential practices of effective teachers that form the basis for all Florida teacher preparation programs. The effect will be the establishment of the core practices for teacher appraisal systems.

SUMMARY: Sections 1004.04, 1004.85, 1012.225, 1012.34, and 1012.56, F.S., establish requirements for educator accomplished practices that serve as the state's standards for effective instructional practice and are used to define and identify effective teaching. The Educator Accomplished Practices have not been reviewed or revised since adoption in

1998. The rule as amended will incorporate contemporary research and sound educational principles in effective educational practices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1004.04, 1004.85, 1012.225, 1012.34, 1012.56 FS.

LAW IMPLEMENTED: 1004.04, 1004.85, 1012.225, 1012.34, 1012.56 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 17, 2010, 11:00 a.m.

PLACE: Miami Dade College – Wolfson Campus, 300 N.E. 2nd Avenue, Building 2000, Room 2106, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Hebda, Deputy Chancellor for Educator Quality, Department of Education, Suite 1502, 325 West Gaines Street, Tallahassee, Florida 32399; (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-5.065 follows. See Florida Administrative Code for present text):

6A-5.065 The Educator Accomplished Practices.

(1) Purpose and Foundational Principles.

(a) Purpose. The Educator Accomplished Practices are set forth in rule as Florida's core standards for effective educators. The Accomplished Practices form the foundation for the state's teacher preparation programs, educator certification requirements and school district instructional personnel appraisal systems.

(b) Foundational Principles. The Accomplished Practices are based upon and further describe three (3) essential principles:

1. The effective educator creates a culture of high expectations for all students by promoting the importance of education and each student's capacity for academic achievement.

2. The effective educator demonstrates deep and comprehensive knowledge of the subject taught.

3. The effective educator exemplifies the standards of the profession.

(2) The Educator Accomplished Practices. Each effective educator applies the foundational principles through six (6) Educator Accomplished Practices. Each of the practices is

clearly defined to promote a common language and statewide understanding of the expectations for the quality of instruction and professional responsibility.

(a) Quality of Instruction.

1. Instructional Design and Lesson Planning. Applying concepts from human development and learning theories, the effective educator consistently:

a. Aligns instruction with state-adopted standards at the appropriate level of rigor;

b. Sequences lessons and concepts to ensure coherence and required prior knowledge;

c. Designs instruction for students to achieve mastery;

d. Selects appropriate formative assessments to monitor learning;

e. Uses diagnostic student data to plan lessons; and

f. Develops learning experiences that require students to demonstrate a variety of applicable skills and competencies.

2. The Learning Environment. To maintain a student-centered learning environment that is safe, organized, equitable, flexible, inclusive, and collaborative, the effective educator consistently:

a. Organizes, allocates, and manages the resources of time, space, and attention;

b. Manages individual and class behaviors through a well-planned management system;

c. Conveys high expectations to all students;

d. Respects students' cultural and family background;

e. Models clear, acceptable oral and written communication skills;

f. Maintains a climate of openness, inquiry, fairness and support;

g. Integrates current information and communication technologies;

h. Adapts the learning environment to accommodate the differing needs and diversity of students; and

i. Utilizes current and emerging assistive technologies that enable students to participate in high-quality communication interactions and achieve their educational goals.

3. Instructional Delivery and Facilitation. The effective educator consistently utilizes a deep and comprehensive knowledge of the subject taught to:

a. Deliver engaging and challenging lessons;

b. Deepen and enrich students' understanding through content area literacy strategies, verbalization of thought, and application of the subject matter;

c. Identify gaps in students' subject matter knowledge;

d. Modify instruction to respond to preconceptions or misconceptions;

e. Relate and integrate the subject matter with other disciplines and life experiences;

- f. Employ higher-order questioning techniques;
- g. Apply varied instructional strategies and resources, including appropriate technology, to teach for student understanding;
- h. Differentiate instruction based on an assessment of student learning needs and recognition of individual differences in students;
- i. Support, encourage, and provide immediate and specific feedback to students to promote student achievement; and
- j. Utilize student feedback to monitor instructional needs and to adjust instruction.
4. Assessment. The effective educator consistently:
- a. Analyzes and applies data from multiple assessments and measures to diagnose students' learning needs, informs instruction based on those needs, and drives the learning process;
- b. Designs and aligns formative and summative assessments that match learning objectives and lead to mastery;
- c. Uses a variety of assessment tools to monitor student progress, achievement and learning gains;
- d. Modifies assessments and testing conditions to accommodate learning styles and varying levels of knowledge;
- e. Shares the importance and outcomes of student assessment data with the student and the student's parent/caregiver(s); and
- f. Applies technology to organize and integrate assessment information.
- (b) Continuous Improvement, Responsibility and Ethics.
1. Continuous Professional Improvement. The effective educator consistently:
- a. Designs purposeful professional goals to strengthen the effectiveness of instruction based on students' needs;
- b. Examines and uses data-informed research to improve instruction and student achievement;
- c. Uses a variety of data, independently, and in collaboration with colleagues, to evaluate learning outcomes, adjust planning and continuously improve the effectiveness of the lessons;
- d. Collaborates with the home, school and larger communities to foster communication and to support student learning and continuous improvement;
- e. Engages in targeted professional growth opportunities and reflective practices; and
- f. Implements knowledge and skills learned in professional development in the teaching and learning process.
2. Professional Responsibility and Ethical Conduct. Understanding that educators are held to a high moral standard in a community, the effective educator adheres to the Code of Ethics and the Principles of Professional Conduct of the

Education Profession of Florida, pursuant to Rules 6B-1.001 and 6B-1.006, F.A.C., and fulfills the expected obligations to students, the public and the education profession.

Rulemaking Specific Authority 1004.04, 1004.85, 1012.225, 1012.34, 1012.56 FS. Law Implemented 1004.04, 1004.85, 1012.225, 1012.34, 1012.56 FS. History--New 7-2-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frances Haithcock, Chancellor, K-12 Public Schools
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.014
RULE TITLE: General Requirements for Adult General Education Program

PURPOSE AND EFFECT: The rule is proposed for amendment to add two new assessments to the rule as choices to be used for placement and documentation of learning gains of a student enrolled in the adult general education program. The effect is to increase the options in the list of assessments to be utilized.

SUMMARY: Two assessments are added as choices to be used for placement and documentation of learning gains of a student enrolled in the adult general education program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1001.02(1), 1004.93(8), 1011.80(11) FS.

LAW IMPLEMENTED: 1004.93, 1011.80 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 17, 2010, 11:00 a.m.

PLACE: Miami Dade College – Wolfson Campus, 300 N.E. 2nd Avenue, Building 2000, Room 2106, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Chancellor, Career and Adult Education, Department of Education, 325 West Gaines Street, Suite 744, Tallahassee, Florida; (850)245-0446

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.014 General Requirements for Adult General Education Program.

In the operation of adult general education programs, the following general requirements shall apply:

- (1) through (3) No change.
- (4) Academic skills tests for adults.

(a) The following tests, English language versions only, are approved to be used for placement and documentation of learning gains of a student enrolled in the adult general education program. The tests shall be used according to standards established for test administration and interpretation set forth in Standards for Educational and Psychological Testing (APA, AERA, NCME, 1999) and with appropriate accommodations for students with disabilities as specified in Section 1004.02(7), F.S.

- 1. Tests of Adult Basic Education (TABE), Complete Battery or Survey Form, Forms 9 & 10 (all active assessments as of the date of adoption of this rule);
- 2. Comprehensive Adult Student Assessment System (CASAS) (all active assessments as of the date of adoption of this rule).

3. General Assessment of Instructional Needs (GAIN) – test of English skills, Forms A & B.

4. General Assessment of Instructional Needs (GAIN) – test of Math skills, Forms A & B.

- (b) through (5)(c) No change.

Rulemaking Authority 1001.02(1), ~~1004.93(8)~~, ~~1011.80(11)~~ FS. Law Implemented ~~1004.93~~, ~~1008.405~~, 1011.80 FS. History—Amended 2-20-64, 4-11-70, 11-17-73, 2-18-74, 6-17-74, Repromulgated 12-5-74, Amended 12-6-84, Formerly 6A-6.14, Amended 12-28-86, 10-17-89, 12-29-98, 4-26-06, 9-19-07, 8-18-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Loretta Costin, Chancellor, Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.05731	Industry Certification of Automotive Service Technology Education Programs

PURPOSE AND EFFECT: The purpose of this new rule is to establish guidelines for industry certification of automotive service technology education programs. The effect will be that all programs undergo a consistent comprehensive review.

SUMMARY: This rule establishes consistent guidelines for automotive service technology education programs to comply with Section 1004.925, F.S., which requires all programs to be industry certified by Fiscal Year 2013-2014. Each program must undergo a comprehensive review conducted by a national organization and result in an industry certification that is recognized nationally. The rule establishes minimum standards for the review as well as timelines for achieving and maintaining the certification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1004.925 FS.

LAW IMPLEMENTED: 1004.925(2), (3) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 17, 2010, 11:00 a.m.

PLACE: Miami Dade College – Wolfson Campus, 300 N.E. 2nd Avenue, Building 2000, Room 2106, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Chancellor, Career and Adult Education, Department of Education, 325 West Gaines Street, Suite 744, Tallahassee, Florida; (850)245-0446

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.05731 Industry Certification of Automotive Service Technology Education Programs.

(1) Section 1004.925, F.S., requires industry certification of all automotive service technology education programs, effective fiscal year 2013-2014, in order to receive state funding. This rule establishes consistent guidelines for industry certification of automotive service technology education programs which are preparing students for employment in the automotive occupations that involve the inspection, repair, or adjustment of automobiles.

(2) In order to become industry certified, an automotive service technology program must undergo a comprehensive review. The review must be conducted by a national organization and result in a national industry program certification or accreditation. The comprehensive review must include, at a minimum:

(a) A review of the program goals, related to the needs of the students and employers served;

(b) A review of program administration that would ensure that instructional activities support and promote the goals of the program;

(c) A review of support material, consistent with both program goals and performance objectives, that will be available to staff and students;

(d) A review of funding available to meet the program goals and performance objectives;

(e) A review of systematic skills assessment, interviews, counseling services, placement and follow-up procedures used;

(f) A review of instruction which must be systematic and reflect program goals;

(g) A task list and specific performance objectives with criterion referenced measures used;

(h) A review of equipment and tools ensuring they are of the type and quality found in the repair industry and that they are also the type needed to provide training to meet the program goals and performance objectives;

(i) A review of the physical facilities making sure those facilities permit achievement of the program goals and performance objectives;

(j) A review of all instructional staff to assure technical competency and all state and local requirements for certification are met;

(k) A review of all written policies and procedures used for cooperative and apprenticeship training programs; and

(l) For programs using e-learning to meet program hour requirements, a review of written policies and procedures that must be followed when e-learning curricular materials are used outside of scheduled classroom/lab/shop time for the purpose of meeting the industry-certified entity's instructional hour requirements.

(3) Description of the examinations and competencies to be demonstrated must be recognized nationally by the automotive industry, including manufacturers, automotive dealers, automotive maintenance and repair businesses for their expertise and experience in certifying automotive repair training programs.

(4) Programs must be recertified according to the prescribed procedures of the appropriate certification agency. However, all programs must remain continuously certified by said certifying agency, with no lapse of certification.

Rulemaking Authority 1004.925 FS. Law Implemented 1004.925(2), (3) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Loretta Costin, Chancellor, Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0981
 RULE TITLE: School District Virtual Instruction Program

PURPOSE AND EFFECT: The purpose of the rule amendment is to delete obsolete references to major areas of interest and to clarify that the Department's approval is for the following three school years rather than three years from the date of approval. The effect is a rule which is consistent with current law as well as ensure clarity relating to the length of time the Department's approval is in effect.

SUMMARY: This rule is amended to make changes to the School District Virtual Instruction Program Application as incorporated by reference in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1002.45(11) FS.

LAW IMPLEMENTED: 1002.45 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 17, 2010, 11:00 a.m.

PLACE: Miami Dade College – Wolfson Campus, 300 N.E. 2nd Avenue, Building 2000, Room 2106, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sally Roberts, Educational Policy Consultant, Department of Education, Division of Public Schools, 325 West Gaines Street, Tallahassee, FL 32399-0400; (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0981 School District Virtual Instruction Program.

(1) No change.

(2) Application Form. Form VSP-02, School District Virtual Instruction Program Application for Provider Approval 2011 for becoming an approved provider for the School District Virtual Instruction Program, will be used for those virtual education providers applying for approved status from the Department of Education. Form VSP-02 is hereby incorporated by reference and made a part of this rule to become effective with the effective date of this rule. Form VSP-02 will be published electronically at www.fldoe.org/Schools/virtual-schools/DistrictVIP.asp. A hard copy may be obtained by contacting the Division of Public Schools, Office of the Chancellor, Florida Department of Education, 325 West Gaines Street, ~~Room 1501~~, Tallahassee, Florida 32399.

(3) through (6) No change.

Rulemaking Authority 1002.45(11) FS. Law Implemented 1002.45 FS. History—New 11-26-08, Amended 10-21-09, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frances Haithecock, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-24.001	Council and Officer Responsibilities
6A-24.002	Composition of Membership and Length of Service on the Council
6A-24.003	Officers and Their Functions
6A-24.004	Meetings
6A-24.005	Amendments

PURPOSE AND EFFECT: The purpose and effect of this rule revision will be to update an existing rule and repeal outdated rules relating to the Florida State Apprenticeship Council to reflect statutory changes, federal regulatory changes, and needs of the apprenticeship community and labor market.

SUMMARY: A rule is recommended for revision and others are recommended to be repealed to accommodate the transfer of the registered apprenticeship program to the Department from the Department of Labor and Employment Security. Further, revisions will reflect the revised federal rules in Title 29 Code of Federal Regulations, Part 29, aligning state rules with federal rules. The rules to be repealed are Rules 6A-24.002, 6A-24.003, 6A-24.004, and 6A-24.005, F.A.C., as they have been superseded by statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 446.032, 446.041 FS.

LAW IMPLEMENTED: 446.045 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 17, 2010, 11:00 a.m.

PLACE: Miami Dade College – Wolfson Campus, 300 N.E. 2nd Avenue, Building 2000, Room 2106, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Chancellor, Career and Adult Education, 325 West Gaines Street, Room 734, Tallahassee, FL 32399, (850)245-9463

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-24.001 follows. See Florida Administrative Code for present text.)

6A-24.001 Council Name, Authority and Officer Responsibilities.

(1) As used in this Rule:

(a) “Chairman” means the Commissioner of Education or the Commissioner’s designee.

(b) “Department” means the Florida Department of Education.

(c) “Registration Officer” means the Designee, properly authorized to act on behalf of the Department in matters of registering program standards, apprenticeship agreements and the general supervision of apprenticeship programs which are registered with the Department.

(2) The Council shall perform the following functions with regard to matters related to apprenticeship, preapprenticeship and on-the-job training programs:

(a) Advise the Department on matters relating to apprenticeship, preapprenticeship and on-the-job training programs.

(b) Establish effective dialog with the apprenticeship community for the betterment of apprenticeship.

(c) The Council shall have those duties and responsibilities as provided in Chapter 446, F.S., delineated herein.

(3) The Chairman shall serve with no vote on Council issues. In the event the Chairman is absent from a Council meeting, the Chairman’s designee will chair the meeting in his or her place. The Chairman shall have the responsibility to:

(a) Convene meetings;

(b) Call special meetings;

(c) Appoint committees and subcommittees;

(d) Receive, select and finalize all agenda items;

(e) Disseminate agendas and minutes of all meetings;

(f) Approve all expenditures made by the Council; and

(g) Designate the Registration Officer as the Council Executive Secretary.

(4) The Chairman or his or her designee shall contact any member of the Council who is not present at one (1) regular Council meeting to notify the member that he or she may be removed if the member does not attend regularly. When necessary, the Chairman shall provide written notification to the Governor’s Office seeking removal of the member.

(5) The Executive Secretary is not a member of the Council and does not have a vote on Council issues. The Executive Secretary has the responsibility to perform the following tasks:

(a) Maintain the records and minutes of each meeting and make them available to any interested person;

(b) Participate in Council discussions; and

(c) Provide updates on general activities of apprenticeship, preapprenticeship and on-the-job training.

Rulemaking Specific Authority 446.032 FS. Law Implemented 446.045 FS. History--New 5-5-83, Formerly 38C-20.01, Amended 1-9-90, Formerly 38C-20.001, 38H-20.001, Repealed _____.

6A-24.002 Composition of Membership and Length of Service on the Council.

Rulemaking Specific Authority 446.032 FS. Law Implemented 446.045 FS. History--New 5-5-83, Formerly 38C-20.02, Amended 1-9-90, Formerly 38C-20.002, 38H-20.002, Repealed _____.

6A-24.003 Officers and Their Functions.

Rulemaking Specific Authority 446.032 FS. Law Implemented 446.045 FS. History--New 5-5-83, Formerly 38C-20.03, Amended 1-9-90, Formerly 38C-20.003, 38H-20.003, Repealed _____.

6A-24.004 Meetings.

Rulemaking Specific Authority 446.032 FS. Law Implemented 446.045 FS. History--New 5-5-83, Formerly 38C-20.04, Amended 1-9-90, Formerly 38C-20.004, 38H-20.004, Repealed _____.

6A-24.005 Amendments.

Rulemaking Specific Authority 446.032 FS. Law Implemented 446.045 FS. History--New 5-5-83, Formerly 38C-20.05, Amended 1-9-90, Formerly 38C-20.005, 38H-20.005, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Loretta Costin, Chancellor, Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2010

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: To incorporate by reference the revised Facilitating Agricultural Resource Management Systems (FARMS) Program Funding Application Form, FORM LEG_R.22.022 (8/10), to request information for projects that reduce frost/freeze protection withdrawals. Rules implementing the District's FARMS Program under Chapter 40D-26, F.A.C., are being amended concurrently with this rule to allow funding assistance for these types of projects.

SUMMARY: The FARMS Program was developed to provide funding assistance to agricultural water users for the implementation of alternative water supply development and water resource development projects. The District's FARMS Program is being amended to allow funding assistance for projects that reduce frost/freeze protection withdrawals. Subsection 40-26.201(2), F.A.C., is being amended to reference the revised FARMS Program Funding Application Form that requests information for these types of projects. This rule amendment incorporates the revised form into Rule 40D-1.659, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.083, 373.0831(3), 373.083(5), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4156) (OGC #2010040)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District's website at www.watermatters.org.

(1) through (2) No change.

(3) OTHER

(a) No change.

(b) FACILITATING AGRICULTURAL RESOURCE MANAGEMENT ~~(FARMS)~~ SYSTEMS ~~(FARMS)~~ PROGRAM FUNDING APPLICATION FORM, FORM ~~LEG-R.22.02 (8/10) LEG-R.22.01 (4/09)~~; incorporated by reference in subsection 40D-26.201(2), F.A.C.

(c) through (d) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.083, 373.0831(3), 373.083(5), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09, 1-27-10, 4-12-10, 4-27-10, 9-5-10, 9-12-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric DeHaven, Resource Data & Restoration Director, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, Florida 33637-6759, (813)985-7481, extension 2118

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2010

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-26.021	Definitions
40D-26.091	Publications Incorporated by Reference
40D-26.101	Conditions of Eligibility
40D-26.201	Program Application
40D-26.401	Cost-Share Rates

PURPOSE AND EFFECT: To modify the Facilitating Agricultural Resource Management Systems (FARMS) Program eligibility requirements to allow funding assistance for projects that reduce frost/freeze protection withdrawals; to establish cost-share rates for these projects; to incorporate by reference the revised FARMS Program Funding Application Form to request information concerning these projects; and to incorporate by reference the Model FARMS Economic Update,

June 2009, to provide updated estimated costs for implementing proposed projects. The estimated costs included in this publication are used to determine whether proposed projects are eligible for funding. The Model FARMS Economic Update, June 2009, replaces the 2001 Model Farms Cost publication.

SUMMARY: Section 373.707(1), F.S., encourages cooperation in the development of water supplies and to provide for alternative water supply development. Sections 373.707(1)(f) and 373.707(8)(a), F.S., authorize the District to provide funding assistance to private water users for the development of alternative water supplies and conservation projects that result in quantifiable water savings. Section 373.705(3), F.S. authorizes the District to fund water resource development. Pursuant to these statutes, the FARMS Program was developed to provide funding assistance to agricultural water users for the implementation of alternative water supply development and water resource development projects. Rule 40D-26.101, F.A.C., Conditions of Eligibility, currently does not allow funding assistance for projects that reduce frost/freeze protection withdrawals. Rule 40D-26.101, F.A.C., is being amended to allow funding for these projects and Rule 40D-26.401, Cost-Share Rates, is being amended to provide cost-share rates for these projects. Rule 40D-26.201, F.A.C., is being amended incorporate by reference the revised FARMS Program Funding Application Form. Rules 40D-26.021 and 40D-26.091, F.A.C., are being amended to incorporate by reference the revised Model FARMS Economic Update, June 2009.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The District’s Facilitating Agricultural Resource Management Systems (FARMS) Program, developed by the District and the Florida Department of Agriculture and Consumer Services, is a public/private agricultural Best Management Practices (BMP) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. The proposed revisions to Chapter 40D-26, F.A.C., incorporate by reference the publication setting forth the 2009 Model FARMS economic cost comparison figures with updated and additional project costs, modify the conditions of eligibility to specify how frost/freeze quantities will be used in the determination of a project’s eligibility both in and outside the Dover/Plant City area and modify the cost-share rates to specify that FARMS will provide 75% cost-share for projects that reduce frost/freeze quantities in the Dover/Plant City area. The FARMS Program is entirely voluntary. No entities or individuals are required to comply with the proposed rule It is expected that up to about 30 farmers per year may apply to participate in the overall program (not just frost/freeze-related projects), but they are not required to do so. The expansion of the FARMS Program to include, as eligible projects, those that

reduce withdrawals for frost/freeze protection from the Upper Floridan aquifer and the 75% reimbursement rate for such projects in the Dover/Plant City growing region will likely increase program reimbursement and staff implementation costs to the District. The District anticipates spending approximately \$2.2 million/year over 10 years to reduce frost/freeze quantities permitted from the Upper Floridan aquifer to acceptable levels. No other state and local entities are required to enforce or implement the FARMS Program. As no individuals or entities are required to participate in the FARMS Program, there will be no increase in transactional costs. However, those that choose to participate in the new frost/freeze reduction program in the Dover/Plant City area will benefit from a highest share of project costs being paid by the District. The proposed rule revisions are anticipated to benefit certain program participants. Small businesses, small cities or small counties will not incur transactional costs as a result of the proposed rule revisions.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0363(4), 373.083(1), 373.705(3), 373.707(1), 373.707(8) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4156) (OGC #2010040)

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-26.021 Definitions.

When used in this chapter:

(1) through (4) No change.

(5) "Model Farms Costs" means those estimated costs developed to identify reasonable costs associated with implementing various water conservation methods by a variety of agricultural operations as set forth in Tables A-1 through A-18 of the Facilitating Agricultural Resource Management Systems (FARMS) Program Model Farms Economic Update, June 2009, the District's 2001 Model Farms Costs incorporated herein by reference in Rule 40D-26.091, F.A.C.

(6) through (7) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363(4), 373.705(3), 373.707(1), 373.707(8), 373.0831(3), 373.196(1), 373.1961(3) FS. History--New 1-7-09, Amended _____.

40D-26.091 Publications Incorporated by Reference.

The following document is hereby incorporated by reference into this chapter and is available from the District upon request: Facilitating Agricultural Resource Management Systems (FARMS) Program Model Farms Economic Update, June 2009 Southwest Florida Water Management District's 2001 Model Farms Costs (effective date August 1, 2001).

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363(4), 373.705(3), 373.707(1), 373.707(8), 373.0831(3), 373.196(1), 373.1961(3) FS. History--New 1-7-09, Amended _____.

40D-26.101 Conditions of Eligibility.

(1) No change.

(2) The following projects are eligible for the Program:

(a) Implementation of BMPs that reduce withdrawals from the Upper Floridan aquifer or from any combination of ground, surface or reclaimed water sources and have a cost-benefit that is equal to or less than the Model Farms Costs; however, no more than 5% of frost/freeze protection quantities authorized by a District Water Use Permit shall be used in calculating the amount of water no longer withdrawn from the Upper Floridan aquifer in areas outside of the following boundary: The portions of Hillsborough and Polk Counties within the following sections (all Townships are South; all Ranges are East):

Township 27, Range 20: Sections 25, 26, 35 and 36;

Township 27, Range 21: Sections 25 through 36;

Township 27, Range 22: Sections 25 through 36;

Township 27, Range 23: Sections 29 through 32;

Township 28, Range 20: Sections 1, 2, 11 through 14, 23 through 26, 35 and 36;

Township 28, Range 21: All Sections;

Township 28, Range 22: All Sections;

Township 28, Range 23: Sections 5 through 8, 17 through 20, and 29 through 32;

Township 29, Range 20: Sections 1, 2, 11 through 14, 23 through 26, 35 and 36;

Township 29, Range 21: All Sections;

Township 29, Range 22: All Sections;

Township 29, Range 23: Sections 5 through 8, 17 through 20, and 29 through 32;

Township 30, Range 20: Sections 1, 2, 11 and 12;

Township 30, Range 21: Sections 1 through 12;

Township 30, Range 22: Sections 1 through 12;

Township 30, Range 23: Sections 5 through 8.

(b) Implementation of BMPs that improve ground or surface water quality impacted by ground water withdrawals; ~~and~~

(c) Implementation of BMPs that improve natural system functions within the Upper Myakka River Watershed.

(d) Implementation of BMPs that reduce frost/freeze protection withdrawals authorized by a District Water Use Permit from the Upper Floridan aquifer within the boundary described in paragraph 40D-26.101(2)(a), F.A.C.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363(4), 373.705(3), 373.707(1), 373.707(8), 373.0831(3), 373.196(1), 373.1961(3) FS. History–New 1-7-09, Amended _____.

40D-26.201 Program Application.

(1) No change.

(2) Applicants for funding shall submit to the District the information required on District Form LEG-R.22.02 (8/10) LEG-R.22.01 (4/09) adopted and incorporated by reference in this rule. This form is available from the District upon request.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363(4), 373.705(3), 373.707(1), 373.707(8), 373.0831(3), 373.196(1), 373.1961(3) FS. History–New 1-7-09, Amended _____.

40D-26.401 Cost-Share Rates.

(1) The District’s cost-share rate for a funded project shall be based upon a project’s resource benefit as follows:

(a) Equipment costs shall be reimbursed up to a maximum of 50% of the total project cost when a project:

1. Reduces withdrawals from the Upper Floridan aquifer by less than 50%;
2. Reduces withdrawals from any combination of ground, surface or reclaimed water sources;
3. Improves ground or surface water quality impacted by ground water withdrawals; or
4. Improves natural system functions within the Upper Myakka River Watershed.

(b) Equipment costs shall be reimbursed up to a maximum of 75% of the total project cost when a project:

1. Reduces withdrawals from the Upper Floridan aquifer by 50% or more; ~~or~~
2. Reduces withdrawals by 15% or more from any combination of ground, surface or reclaimed water sources of which a minimum of 5% of the total withdrawal reduction is from the Upper Floridan aquifer and the project improves water quality in surface or ground water impacted by ground water withdrawals or improves natural system functions within the Upper Myakka River Watershed; ~~or~~

3. Reduces frost/freeze protection withdrawals authorized by a District Water Use Permit from the Upper Floridan aquifer within the boundary described in paragraph 40D-26.101(2)(a), F.A.C.

(2) through (4) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0363(4), 373.705(3), 373.707(1), 373.707(8), 373.0831(3), 373.196(1), 373.1961(3) FS. History–New 1-7-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric DeHaven, Resource Data & Restoration Director, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, Florida 33637-6759, (813)985-7481, extension 2118

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-550.200	Definitions for Public Water Systems
62-550.310	Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels
62-550.500	General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals
62-550.514	Disinfectant Residuals and Disinfection Byproducts Monitoring Requirements
62-550.540	Monitoring of Consecutive Systems Certified Laboratories and Analytical Methods for Public Water Systems
62-550.550	Recordkeeping
62-550.720	Reporting Requirements for Public Water Systems
62-550.730	Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors (Stage 1)
62-550.821	Initial Distribution System Evaluations and Stage 2 Disinfection Byproducts Requirements
62-550.822	Consumer Confidence Reports
62-550.824	

PURPOSE AND EFFECT: The Department is adopting the national Stage 2 Disinfectants and Disinfection Byproducts Rule (D/DBPR) with related State clarifications and additions, and the Department is updating the State's public water system recordkeeping and Stage 1 D/DBPR requirements to incorporate changes that were made to the record maintenance and Stage 1 D/DBPR requirements in the national primary drinking water regulations and that were promulgated with the Stage 2 D/DBPR. Also, the Department is updating the State's listing of analytical methods for primary or secondary contaminants and the State's consumer confidence report (CCR) requirements so they are consistent with current national primary or secondary drinking water regulations.

SUMMARY: Rule 62-550.200, F.A.C., is being amended to incorporate new or revised definitions from the Stage 2 D/DBPR and to make minor technical corrections. Rule 62-550.310, F.A.C., is being amended to expand the applicability of the Stage 1 D/DBPR maximum residual disinfectant levels (MRDLs) for chlorine and chloramines in accordance with the Stage 2 D/DBPR; to clarify that the Stage 1 D/DBPR maximum contaminant levels (MCLs) for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) apply until the date specified for compliance with the Stage 2 D/DBPR MCLs for TTHM and HAA5; to specify the water systems to which the Stage 2 D/DBPR TTHM and HAA5 MCLs apply; and to specify the effective dates for the Stage 2 D/DBPR TTHM and HAA5 MCLs. Rule 62-550.500, F.A.C., is being amended to clarify that the monitoring and compliance measurement requirements under the Stage 2 D/DBPR take precedence over the general monitoring and compliance measurement requirements in Rule 62-550.500, F.A.C., and to indicate that monitoring frequencies under the Stage 2 D/DBPR are specified in new Rule 62-550.822, F.A.C. Rule 62-550.514, F.A.C., is being amended to expand the applicability of the Stage 1 D/DBPR chlorine and chloramine monitoring requirements in accordance with the Stage 2 D/DBPR; to clarify that community or non-transient non-community water systems that add a chemical disinfectant to the water must monitor for TTHM and HAA5 under the Stage 1 D/DBPR until the date specified for compliance with the Stage 2 D/DBPR MCLs for TTHM and HAA5; and to specify that community or non-transient non-community water systems that add, or deliver water that has been treated with, a primary or residual disinfectant other than ultraviolet (UV) light must monitor for TTHM and HAA5 under the Stage 2 D/DBPR starting with the date specified for compliance with the Stage 2 D/DBPR MCLs for TTHM and HAA5. Rule 62-550.540, F.A.C., is being amended to clarify residual disinfectant monitoring requirements under the D/DBPRs for consecutive systems; to clarify disinfection byproduct (DBP) monitoring requirements under the D/DBPRs for consecutive systems; and to make minor technical changes. Rule 62-550.550, F.A.C., is being amended to specify who may perform, and appropriate procedures or methods for

performing, residual disinfectant measurements to demonstrate that Stage 2 D/DBPR TTHM and HAA5 samples were taken under normal operating conditions. Rule 62-550.550, F.A.C., also is being amended to reference all analytical methods currently listed in the national primary or secondary drinking water regulations; to delete the sentence allowing use of alternative analytical techniques with written permission; and to clarify that the Department approves the use of the Industrial Test Systems free chlorine test strip for the determination of free chlorine. Rule 62-550.720, F.A.C., is being amended to incorporate revisions that the U.S. Environmental Protection Agency (USEPA) made to the record maintenance requirements in the national primary drinking water regulations and published with the Stage 2 D/DBPR. Rule 62-550.730, F.A.C., is being amended to reference the Stage 2 D/DBPR reporting format for DBPs (TTHM and HAA5) in new Rule 62-550.822, F.A.C., and to make minor technical corrections. Rule 62-550.821, F.A.C., is being revised to make a minor technical correction and to incorporate revisions that the USEPA made to the Stage 1 D/DBPR and published with the Stage 2 D/DBPR. The USEPA revisions to the Stage 1 D/DBPR include the following: updating of analytical requirements under the Stage 1 D/DBPR; addition of source water total organic carbon monitoring requirements for subpart H systems that are not using conventional filtration treatment and that wish to qualify for reduced TTHM and HAA5 monitoring under the Stage 1 D/DBPR; and revision of the criteria to qualify for reduced bromate monitoring under the Stage 1 D/DBPR. Rule 62-550.822, F.A.C., is being added to incorporate the Stage 2 D/DBPR requirements with State clarifications and additions. The Stage 2 D/DBPR requirements include the following: initial distribution system evaluation requirements included under 40 C.F.R. § 141 subpart U; and the Stage 2 D/DBPR compliance monitoring and other requirements included under 40 C.F.R. § 141 subpart V. Rule 62-550.824, F.A.C., is being amended to reference the current edition of subpart O—"CCRs"—and Appendix A to subpart O in 40 C.F.R. § 141. Table 3 is being amended to incorporate the Stage 2 D/DBPR MCLs for TTHM and HAA5. Tables 7 and 8 are being amended to incorporate Stage 2 D/DBPR monitoring requirements and to make minor technical corrections. There are a number of Department rules that reference these rules being amended. Rules 62-555.320, 62-555.360, 62-555.401, and 62-560.410, F.A.C., reference Rule 62-550.200, F.A.C., but the amendment to Rule 62-550.200, F.A.C., will have no effect on those rules. Rules 62-520.420, 62-528.425, 62-560.610, and 62-560.620, F.A.C. refer to the disinfection byproduct maximum contaminant levels that are being revised under Rule 62-550.310, F.A.C. Also, Rules 62-555.325, 62-560.410, 62-560.510, 62-560.520, 62-560.545, and 62-560.610, F.A.C., reference Rule 62-550.310, F.A.C., but the amendment to Rule 62-550.310, F.A.C. will have no effect on those rules. Rules 62-555.320 and 62-560.546, F.A.C., reference Rule 62-550.500, F.A.C., but the

amendment to Rule 62-550.500, F.A.C., will have no effect on those rules. Rules 62-555.315, 62-555.325, 62-555.340, 62-555.350, and 62-555.530, F.A.C., refer to the list of referenced analytical methods that is being amended under Rule 62-550.550, F.A.C. Also, Rule 62-699.311, F.A.C., references Rule 62-550.550, F.A.C., but the amendment to Rule 62-550.550, F.A.C., will have no effect on that rule. Rule 62-555.350, F.A.C., references Rule 62-550.720, but the amendment to Rule 62-550.720, F.A.C., will have no effect on that rule. Rules 62-555.350, 62-560.410, and 62-560.530, F.A.C., reference Rule 62-550.730, F.A.C., but the amendment to Rule 62-550.730, F.A.C., will have no effect on those rules. Rule 62-560.410, F.A.C., references Rule 62-550.821, F.A.C., but the amendment to Rule 62-550.821, F.A.C., will have no effect on that rule. Rule 62-560.410, F.A.C., references Rule 62-550.824, F.A.C., but the amendment to Rule 62-550.824 will have no effect on that rule. Many Department rules reference the primary or secondary drinking water standards or just the water quality standards contained in Chapter 62-550. However, these rule amendments do not change any numerical standard. Therefore the following rules are not affected by this rulemaking: Rules 62-312.825, 62-330.100, 62-330.200, 62-341.486, 62-346.051, 62-346.301, 62-521.400, 62-524.200, 62-552.650, 62-600.420, 62-600.510, 62-301.300, 62-606.400, 62-610.300, 62-610.525, 62-610.865, 62-761.200, 62-762.201, 62-770.200, 62-780.200, 62-782.200, and 62-785.200, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has determined that these rule amendments will have an impact on small businesses and has prepared a SERC. Community water systems (CWSs) and non-transient non-community water systems (NTNCWSs) will incur both a one-time cost and a recurring annual cost to comply with the Stage 2 D/DBPR. For CWSs serving less than 10,000 persons, many of which probably are a small business or an ancillary part of a small business, the estimated average one-time cost is approximately \$1,360 per CWS and the estimated average annual cost is approximately \$1,090 per CWS. The estimated average one-time and average annual costs for NTNCWSs serving less than 10,000 persons, many of which probably are an ancillary part of a small business, are approximately \$330 and \$230, respectively. The estimated total one-time and annual costs for all CWSs in Florida to comply with the Stage 2 D/DBPR are \$4.53 million and \$8.62 million, respectively; and the estimated total one-time and annual costs for all NTNCWSs in Florida to comply with the Stage 2 D/DBPR are \$318,000 and \$229,000, respectively. Assuming CWSs pass all costs on to their customers, customers of CWSs in Florida will incur an average one-time cost of \$0.79 per customer and an average annual cost of \$1.49 per customer as a result of the Stage 2 D/DBPR. A copy of the SERC is available from Virginia Harmon, Department of

Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, FL 32399-2400, (850)245-8630, virginia.harmon@dep.state.fl.us.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.853(3), 403.861(9) FS.

LAW IMPLEMENTED: 403.0877, 403.852(12), (13), 403.853, (1), (3), (4), (7), 403.854, 403.859(1), 403.861(9), (16), (17), 403.8615, 403.862 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 20, 2010, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Virginia Harmon at the above address, telephone, or email address. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Virginia Harmon at the above address, telephone, or email address

THE FULL TEXT OF THE PROPOSED RULES IS:

62-550.200 Definitions for Public Water Systems.

For the purpose of this chapter and Chapters 62-555 and 62-560, F.A.C., the following words, phrases, or terms shall have the following meaning:

(1) through (10) No change.

(11) “COMBINED DISTRIBUTION SYSTEM” means the interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

(11) through (17) renumbered (12) through (18) No change.

~~(19)(18)~~ “CONSECUTIVE SYSTEM” means a public water system that buys or otherwise receives some or all of its finished water from one or more wholesale other public water systems at least 60 days per year. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems. A consecutive system is either a “community water system” or a “non community water system.”

(19) through (32) renumbered (20) through (33) No change.

(34) “DUAL SAMPLE SET” means a set of two samples collected at the same time and same location, with one sample analyzed for TTHM and the other sample analyzed for HAA5. Dual sample sets are collected for the purpose of conducting an IDSE under subpart U of 40 C.F.R. § 141 as incorporated into Rule 62-550.822, F.A.C., and for the purpose of determining compliance with the TTHM and HAA5 MCLs under subpart V of 40 C.F.R. §141 as incorporated into Rule 62-550.822, F.A.C.

(33) through (38) renumbered (35) through (40) No change.

(41) “FINISHED WATER” means water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except treatment as necessary to maintain water quality in the distribution system (e.g., booster disinfection or addition of corrosion control chemicals).

(39) through (40) renumbered (42) through (43) No change.

(44)(41) “GAC10” means granular activated carbon filter beds with an empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days, except that the reactivation frequency for GAC10 used as a best available technology for compliance with Stage 2 MCLs under paragraph 62-550.310(3)(d), F.A.C., shall be 120 days.

(45) “GAC20” means granular activated carbon filter beds with an empty-bed contact time of 20 minutes based on average daily flow and a carbon reactivation frequency of every 240 days.

(42) through (54) renumbered (46) through (58) No change.

(59) “LOCATIONAL RUNNING ANNUAL AVERAGE” (LRAA) means the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters.

(55) through (60) renumbered (60) through (65) No change.

(66)(61) “NEW SYSTEM” means, for the purposes of capacity development, community water systems or non-transient non-community water systems being newly constructed; systems that which do not currently meet the definition of a public water system under Rule 62-550.200, F.A.C., 62-550.200(70); but that which expand their infrastructure and thereby grow to become community water systems or non-transient non-community water systems and transient non-community water systems that expand their infrastructure and thereby grow to become community water systems or non-transient non-community water systems. Systems not currently public water systems under Rule 62-550.200 subsection 62-550.200(70), F.A.C., or systems that are transient non-community water systems, and that add additional users and thereby become community water systems

or non-transient non-community water systems without constructing any additional infrastructure are not “new systems” for purposes of capacity development.

(62) through (104) renumbered (67) through (109) No change.

(110)(105) “WHOLESALE SYSTEM” means a public water system that treats source water as necessary to produce finished water and then sells or otherwise delivers some or all of that finished water to another public water system at least 60 days per year. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems. A wholesale system that delivers water to a community water system is considered a community water system.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.853, 403.854, 403.8615, 403.862 FS. History–New 11-9-77, Amended 1-13-81, 11-19-87, Formerly 17-22.103, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, Formerly 17-550.200, Amended 9-7-94, 12-9-96, 9-22-99, 8-1-00, 11-27-01, 4-3-03, 11-25-03, 10-14-04, 11-28-04, 1-17-05,_____.

62-550.310 Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels.

(These standards may also apply as ground water quality standards as referenced in Chapter 62-520, F.A.C.)

(1) No change.

(2) DISINFECTANT RESIDUALS – Except for the chlorine dioxide maximum residual disinfectant level, which applies to all public water systems using chlorine dioxide as a disinfectant or oxidant, this subsection applies only to community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process. Maximum residual disinfectant levels (MRDLs) are listed in Table 2, which is incorporated herein and appears at the end of this chapter. These MRDLs apply to public water systems as described below.

(a) The chlorine dioxide MRDL applies to all public water systems that use chlorine dioxide for disinfection or oxidation.

(b) The chlorine and chloramine MRDLs apply to all community or non-transient non-community water systems that use chlorine or chloramines.

(c) Effective [insert the effective date of these rule amendments], the chlorine and chloramine MRDLs apply to all consecutive community or non-transient non-community water systems that do not add chlorine or chloramines but deliver water that has been treated with chlorine or chloramines.

(3) DISINFECTION BYPRODUCTS – This subsection applies to all community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process. The disinfection byproduct maximum contaminant levels (MCLs) The Stage 1 maximum contaminant levels (MCLs) for

disinfection byproducts are listed in Table 3, which is incorporated herein and appears at the end of this chapter. These MCLs apply to public water systems as described below.

(a) The bromate MCL applies to community or non-transient non-community water systems using ozone for disinfection or oxidation.

(b) The chlorite MCL applies to community or non-transient non-community water systems using chlorine dioxide for disinfection or oxidation.

(c) The Stage 1 total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) MCLs apply to community or non-transient non-community water systems that add a

chemical disinfectant to the water in any part of the drinking water treatment process. These Stage 1 MCLs apply until the appropriate date specified for Stage 2 compliance in paragraph (d) below.

(d) The Stage 2 TTHM and HAA5 MCLs apply to community or non-transient non-community water systems that use a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light. These Stage 2 MCLs apply beginning on the dates shown in the table below.

<u>SYSTEM TYPE</u>	<u>COMPLIANCE DATE</u>
<u>SYSTEMS THAT ARE NOT PART OF A COMBINED DISTRIBUTION SYSTEM AND SYSTEMS THAT SERVE THE LARGEST POPULATION IN A COMBINED DISTRIBUTION SYSTEM</u>	
<u>System serving 100,000 or more people</u>	<u>April 1, 2012</u>
<u>System serving 50,000 – 99,999 people</u>	<u>October 1, 2012</u>
<u>System serving 10,000 – 49,999 people</u>	<u>October 1, 2013</u>
<u>Ground water system serving less than 10,000 people or subpart H system not treating any surface water source and serving less than 10,000 people</u>	<u>October 1, 2013</u>
<u>Subpart H system treating a surface water source and serving less than 10,000 people</u>	<u>October 1, 2013, if no <i>Cryptosporidium</i> monitoring is required under 40 C.F.R. § 141.701(a)(4) or October 1, 2014, if <i>Cryptosporidium</i> monitoring is required under 40 C.F.R. § 141.701(a)(4)</u>
<u>OTHER SYSTEMS THAT ARE PART OF A COMBINED DISTRIBUTION SYSTEM</u>	
<u>Consecutive system or wholesale system</u>	<u>At the same time as the system with the earliest compliance date in the combined distribution system</u>

(4) through (6) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1) FS. History—New 11-19-87, Formerly 17-22.210, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.310, Amended 9-7-94, 8-1-00, 11-27-01, 4-14-03, 4-25-03, 11-28-04, _____.

62-550.500 General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals.

These general requirements shall apply unless other monitoring or compliance measurement requirements are specified in Rules 62-550.511 through 62-550.540 or Rules 62-550.821 and 62-550.822, F.A.C.

(1) No change.

(2) Monitoring Frequencies. Monitoring frequencies for each group of contaminants or disinfectant residuals are specified in Rules 62-550.511 through 62-550.520, F.A.C., plus Rules ~~Rule~~ 62-550.821 and 62-550.822, F.A.C., and are summarized in Table 7.

(3) through (11) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.853(1), (3), 403.859(1), 403.861(16), (17) FS. History—New 11-19-87, Formerly 17-22.300, Amended 1-18-89, 5-7-90, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.500, Amended 9-7-94, 8-1-00, 11-27-01, 4-14-03, 11-28-04, _____.

62-550.514 Disinfectant Residuals and Disinfection Byproducts Monitoring Requirements.

(1) DISINFECTANT RESIDUALS.

(a) Community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with 40 C.F.R. § 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the maximum residual disinfectant levels specified in subsection 62-550.310(2), F.A.C. Also, effective [insert the effective date of these rule amendments], consecutive community or non-transient non-community water systems that do not add chlorine or chloramines but that deliver water that has been treated with chlorine or chloramines shall monitor for chlorine or chloramines in accordance with 40 C.F.R. § 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the maximum residual disinfectant levels specified in subsection 62-550.310(2), F.A.C., for chlorine or chloramines.

(b) No change.

(2) DISINFECTION BYPRODUCTS. Community or non-transient non-community water systems that add ozone or chlorine dioxide shall monitor for bromate or chlorite, respectively, in accordance with 40 C.F.R. § 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C.

~~Community or non-transient non-community water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor for total trihalomethanes (TTHM) and haloacetic acids (five) (HAA5) until the dates in paragraph 62-550.310(3)(d), F.A.C., in accordance with 40 C.F.R. § 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C. Community or non-transient non-community water systems that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light shall monitor for TTHM and HAA5 starting on the dates in paragraph 62-550.310(3)(d), F.A.C., in accordance with 40 C.F.R. § 141, subpart V, as adopted and modified under Rule 62-550.822, F.A.C. adding a chemical disinfectant to the water in any part of the drinking water treatment process shall monitor in accordance with 40 CFR 141, subpart L, as adopted and modified under Rule 62-550.821, F.A.C., to determine compliance with the Stage 1 disinfection byproduct maximum contaminant levels specified in subsection 62-550.310(3), F.A.C.~~

~~Rulemaking Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1), (3), (7), 403.861(16), (17) FS. History—New 1-1-93, Amended 7-4-93, Formerly 17-550.514, Amended 2-7-95, 11-27-01, 11-28-04,_____.~~

~~62-550.540 Monitoring of Consecutive Public Water Systems.~~

~~(1) Consecutive systems shall conduct asbestos monitoring in their distribution systems in accordance with Rule 62-550.511, F.A.C.; shall conduct microbiological monitoring in their distribution systems in accordance with Rule 62-550.518, F.A.C.; shall comply with the lead and copper control requirements in Rule 62-550.800, F.A.C.; shall conduct disinfection byproduct monitoring in accordance with subsection 62-550.514(2) and Rules 62-550.821 and 62-550.822, F.A.C.; shall conduct residual disinfectant monitoring in accordance with subsection 62-550.514(1) and Rule 62-550.821, F.A.C., to determine compliance with the maximum residual disinfectant levels specified in subsection 62-550.310(2), F.A.C.; and shall conduct residual disinfectant monitoring at a remote point in their distribution systems in accordance with subsection 62-555.350(6), F.A.C., to verify that the minimum residual disinfectant concentration required by subsection 62-555.350(6), F.A.C., is being maintained throughout their distribution systems. In accordance with subparagraph 62-550.817(1)(b)2., F.A.C., consecutive systems that receive any finished water originating from a subpart H system shall comply with the distribution system residual disinfectant monitoring requirements in paragraph 62-550.817(10)(e), F.A.C., and in 40 C.F.R. § 141.74(c)(3)(i) 40 CFR 141.74(e)(3) as adopted in subsection 62-550.817(2), F.A.C. Consecutive systems that add a chemical disinfectant to the water shall conduct residual disinfectant monitoring in~~

~~accordance with subsection 62-550.514(1) and Rule 62-550.821, F.A.C., and shall conduct disinfection byproduct monitoring in accordance with subsection 62-550.514(2) and Rule 62-550.821, F.A.C.~~

~~(2) through (4) No change.~~

~~(5) Consecutive systems that receive any finished water originating from a subpart H system shall comply with the disinfectant residual monitoring requirements of subparagraph 62-550.817(1)(b)2., F.A.C.~~

~~Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.853(1), (3), (7), 403.861(16), (17) FS. History—New 11-19-87, Formerly 17-22.340, Amended 1-18-89, 1-1-93, Formerly 17-550.540, Amended 11-27-01, 10-14-04, 11-28-04,_____.~~

~~62-550.550 Certified Laboratories and Analytical Methods for Public Water Systems.~~

~~(1) For the purpose of determining compliance with standards and monitoring requirements other than those mentioned in subsection (2) below, samples shall be considered acceptable only if they have been analyzed by a laboratory certified in drinking water by the Department of Health to perform such drinking water analyses with the exception that measurements for alkalinity, bromide, calcium, chlorite at entrances to distribution systems, orthophosphate, silica, specific ultraviolet absorbance, or total organic carbon may be performed by operators licensed under Chapter 62-602, F.A.C., or by persons under the direct supervision of a licensed operator, and measurements for conductivity, disinfectant residual, pH, temperature, or turbidity may be performed by operators licensed under Chapter 62-602, F.A.C., by persons under the direct supervision of a licensed operator, or by any authorized representative of the Department. Approved analytical methods shall be used and are contained in the July 1, 2009 2007, edition of 40 C.F.R. §§ 141.21, 141.23, 141.24, 141.25, 141.27, 141.74, 141.89, 141.131, 141.402, 141.704, and 143.4 and Appendix A to 40 C.F.R. § 141, subpart C, and in the Federal Register, Volume 74, Number 147, August 3, 2009, pp. 38348-38358, Volume 74, Number 216, November 10, 2009, pp. 57908-57918, and Volume 75, Number 109, June 8, 2010, pp. 32295-32302, Vol. 72, Number 47, March 12, 2007, pp. 11199—11249, Vol. 69, No. 30, February 13, 2004, pp. 7156-7161, and Vol. 69, No. 164, August 25, 2004, pp. 52177—52182, all of which are incorporated herein by reference. Use of an alternative analytical technique requires written permission from the Department and the U.S. Environmental Protection Agency. The use of DPD colorimetric test kits to measure residual chlorine, chloramine, or chlorine dioxide concentration is approved. The use of the Industrial Test Systems (ITS) free chlorine test strips for the determination of free chlorine is approved.~~

~~(2) Measurements for residual disinfectant to demonstrate that TTHM and HAA5 samples were taken under normal operating conditions (see subsections 62-550.821(4) and 62-550.822(19), F.A.C.) and measurements for disinfectant~~

residual to determine compliance with the operational requirements in subsection 62-555.350(6), F.A.C., may be performed by any authorized representative of the supplier of water or the Department; but measurements for residual chlorine shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C., and all other measurements shall be performed using an appropriate method referenced in subsection (1) above. Measurements for alkalinity, dissolved iron, dissolved oxygen, pH, total sulfide, or turbidity to evaluate treatment for control of copper pipe corrosion and black water (see subsection 62-555.315(5), F.A.C.) may be performed by any authorized representative of the construction permit applicant or supplier of water; but measurements for pH and field measurements for dissolved oxygen or turbidity shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C., and all other measurements shall be performed using an appropriate method referenced in subsection (1) above or in *Standard Methods for the Examination of Water and Wastewater* as adopted in Rule 62-555.335, F.A.C. Measurements for residual chlorine when taking bacteriological survey or evaluation samples (see paragraphs 62-555.315(6)(b) and (c), F.A.C., and subsection 62-555.340(2), F.A.C.) may be performed by any authorized representative of the permittee, supplier of water, or Department, but shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C. Daily measurements for fluoride concentration at water treatment plants fluoridating water (see paragraph 62-555.325(3)(a), F.A.C.) may be performed by any authorized representative of the supplier of water but shall be performed using an appropriate method referenced in subsection (1) above. Measurements for disinfectant residual, pH, or temperature to determine compliance with the operational requirements under Rule 62-555.350(5), F.A.C., may be performed by any authorized representative of the supplier of water or Department; but measurements for residual chlorine, temperature, or pH shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C., and all other measurements shall be performed using an appropriate method referenced in subsection (1) above or in *Standard Methods for the Examination of Water and Wastewater* as adopted in Rule 62-555.335, F.A.C.

(3) through (4) No change.

Rulemaking Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1), (3), 403.861(16), (17) FS. History—New 11-19-87, Formerly 17-22-350, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, Formerly 17-550.550, Amended 9-7-94, 2-7-95, 8-1-00, 11-27-01, 4-14-03, 11-28-04, 9-18-07, _____.

62-550.720 Recordkeeping.

Suppliers of water shall retain on their premises, or at a convenient location near their premises, the following records:

(1) Records of microbiological analyses and turbidity ~~bacteriological~~ analyses made under this chapter shall be kept for not less than 5 ~~five~~ years. Records of physical, chemical analyses and ~~physical~~ or radiological analyses made under any portion of this chapter other than Rule 62-550.800, F.A.C., (including records of chemical analyses to determine compliance with maximum residual disinfectant levels) shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the information required in Rule 62-550.730, F.A.C., is included.

(2) through (6) No change.

(7) Unless specified elsewhere in this chapter, copies of monitoring plans developed pursuant to this chapter shall be kept for the same period of time as the records of analyses taken under the monitoring plan are required to be kept under subsection 62-550.720(1), F.A.C.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.861(16) FS. History—New 11-19-87, Formerly 17-22.820, Amended 1-18-89, 1-1-93, 7-4-93, Formerly 17-550.720, Amended 11-27-01, 11-28-04, _____.

62-550.730 Reporting Requirements for Public Water Systems.

Suppliers of water and DOH-certified laboratories shall report as follows:

(1) Suppliers of Water.

(a) through (c) No change.

(d) The supplier of water shall submit monthly operation reports as specified in paragraphs 62-550.817(11)(a) and (b), 62-555.325(3)(c), and 62-555.350(12)(b), subsections 62-555.900(2) through (4), F.A.C., to the appropriate Department of Environmental Protection District Office or the appropriate Approved County Health Department ~~the appropriate Department of Environmental Protection District Office or the appropriate Approved County Health Department~~ within 10 days after each ~~the~~ month of operation.

(e) through (i) No change.

(2) No change.

(3) Additional Reporting Formats for Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors and Enhanced Coagulation or Enhanced Softening. See subsections 62-550.821(12) and 62-550.822(18), F.A.C.

(4) No change.

Rulemaking Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.852(12), (13), 403.853(3), 403.861(16), (17) FS. History—New 11-19-87, Formerly 17-22-830, Amended 1-18-89, 1-3-91, 1-1-93, Formerly 17-550.730, Amended 9-7-94, 2-7-95, 12-9-96, 8-1-00, 11-27-01, 4-3-03, 11-28-04, 1-17-05, _____.

62-550.821 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors (Stage 1). The requirements contained in the July 1, ~~2009~~ 2003, edition of 40 C.F.R. § 141, subpart L (sections 141.130 through 141.135); ~~and the revisions to 40 CFR 141, subpart L, published on pages 3770 through 3780 of the January 16, 2001, Federal Register~~ are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications and additions to the requirements in 40 C.F.R. § 141, subpart L.

(1) In 40 C.F.R. § 141, subpart L, the term “State” shall mean “Department.” Also, references to section 141.2 shall be interpreted to mean Rule 62-550.200, F.A.C.; references to section 141.21 shall be interpreted to mean Rule 62-550.518, F.A.C.; references to section 141.23(k)(1) or 141.89(a) shall be interpreted to mean subsection 62-550.550(1), F.A.C.; references to section 141.31 shall be interpreted to mean subsection 62-550.730(1), F.A.C.; references to section 141.32, ~~141.32(e)(78)~~, or 141.202 shall be interpreted to mean Rule 62-560.410, F.A.C.; ~~references to section 141.32(e)(78) shall be interpreted to mean subsection 62-560.410(6), F.A.C.~~; references to section 141.64 ~~or 141.64(a)~~ shall be interpreted to mean subsection 62-550.310(3), paragraph 62-550.310(3)(b), F.A.C.; references to section 141.65 shall be interpreted to mean subsection 62-550.310(2), F.A.C.; references to section 141.74(b)(6)(i) ~~or 141.74(c)(3)(i)~~ shall be interpreted to mean subsection 62-550.817(10), 62-550.560(2), F.A.C.; ~~references to section 141.74(e)(3)(i) shall be interpreted to mean paragraph 62-550.560(3)(d), F.A.C.~~; references to subpart Q shall be interpreted to mean Part IV of Chapter 62-560, F.A.C.; references to subpart U or V shall be interpreted to mean Rule 62-550.822, F.A.C.; and references to section 142.16(h)(5) shall be interpreted to mean subsection 62-550.821(9), F.A.C.

(2) through (5) No change.

(6) 40 C.F.R. § 141.132(b)(1)(vi) ~~141.132(b)(1)(v)~~ shall be interpreted to mean that, in addition to allowing systems on increased monitoring to return to routine monitoring under 40 C.F.R. § 141.132(b)(1)(v), ~~141.132(b)(1)(iv)~~, the Department shall allow systems on increased monitoring to return to routine monitoring if their TTHM quarterly averages and HAA5 quarterly averages are less than or equal to the MCL for four (4) consecutive quarters.

(7) through (11) No change.

(12) This subsection replaces 40 C.F.R. § 141.134 and discusses reporting requirements for disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors.

(a) through (c) No change.

(d) Subpart H systems using conventional filtration treatment shall report a summary of results of measurements for disinfection byproduct precursors and enhanced coagulation or softening ~~shall be submitted~~ in a format including all of the following information:

1. through 3. No change.

(13) Under 40 C.F.R. § 141.135(b), systems practicing enhanced softening are not required to apply to the Department for Step 2 TOC removal requirements. Enhanced softening systems that are unable to meet the alternative compliance criteria in section 141.135(a)(2) and (3) and that are unable to meet the Step 1 TOC removal requirements may apply to the Department for a waiver of enhanced softening requirements.

(a) Applicants for a waiver shall submit to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department results of bench- or pilot-scale testing conducted in accordance with Section 3.3 of the U.S. Environmental Protection Agency’s *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in sub-subparagraph 62-550.821(12)(d)3.b, ~~62-550.821(12)(e)3.b~~, F.A.C.

(b) No change.

(14) This subsection supplements 40 C.F.R. § 141.135(b)(3). The Department shall approve Step 2 TOC removal requirements submitted by a system if the system’s application includes the information discussed in 40 C.F.R. § 141.135(b)(4) and (15) below and if all alternative TOC removal percentages are determined in accordance with 40 C.F.R. § 141.135(b)(4) and section 3.2 of the U.S. Environmental Protection Agency’s *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in sub-subparagraph 62-550.821(12)(d)3.b, ~~62-550.821(12)(e)3.b~~, F.A.C.

(15) No change.

(16) 40 C.F.R. § 141.135(b)(4)(v) is supplemented by the following:

(a) Systems applying for a waiver of enhanced coagulation requirements shall submit to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department results of bench- or pilot-scale testing conducted in accordance with 40 C.F.R. § 141.135(b)(4) and Section 3.2 of the U.S. Environmental Protection Agency’s *Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual*, which is incorporated herein by reference and is available from the source indicated in sub-subparagraph 62-550.821(12)(d)3.b, ~~62-550.821(12)(e)3.b~~, F.A.C

(b) No change.

(17) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.0877, 403.852(12), 403.853(1), (3), (7), 403.861(16), (17) FS. History—New 11-27-01, Amended 11-28-04, 1-17-05, _____.

62-550.822 Initial Distribution System Evaluations and Stage 2 Disinfection Byproducts Requirements.

The requirements contained in the July 1, 2009, edition of 40 C.F.R. § 141, subpart U (sections 141.600 through 141.605), and 40 C.F.R. § 141, subpart V (sections 141.620 through 141.629), are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications and additions to the requirements in 40 C.F.R. § 141, subparts U and V.

(1) In 40 C.F.R. § 141, subparts U and V, the term “State” shall mean “Department.” Also, references to section 141.33 shall be interpreted to mean Rule 62-550.720, F.A.C.; references to section 141.64(b)(2) shall be interpreted to mean subsection 62-550.310(3), F.A.C.; references to section 141.131, 141.131(c), 141.132, 141.132(b)(1), 141.132(b)(1)(iii), 141.132(c)(1), 141.132(d), 141.132(f), 141.133(c)(1), or 141.134(c) shall be interpreted to mean the section as adopted and modified in Rule 62-550.821, F.A.C.; and references to subpart L shall be interpreted to mean Rule 62-550.821, F.A.C.

(2) For purposes of schedule determination, compliance dates, and monitoring requirements under 40 C.F.R. § 141.600(c)(1), 141.620(c)(1) through (5), 40 C.F.R. § 141.621(a)(2), and 40 C.F.R. § 141.623(a):

(a) The number of persons served by a wholesale system includes only the number of persons served directly by the wholesale system and not the persons served by the consecutive systems that receive finished water from the wholesale system; and

(b) Consecutive systems that receive any finished water originating from a subpart H system are considered subpart H systems.

(3) This subsection replaces 40 C.F.R. § 141.600(c)(2) and 40 C.F.R. § 141.620(c)(8). Emergency-only interconnections between wholesale systems and consecutive systems shall not be considered interconnections between systems for the purpose of the combined distribution system definition in Rule 62-550.200, F.A.C. All other interconnections shall be used to determine whether systems meet the combined distribution system definition in Rule 62-550.200, F.A.C.

(4) Under 40 C.F.R. § 141.601(c)(1) and 40 C.F.R. § 141.602(b)(1), the Department shall accept TTHM and HAA5 analytical results from subpart L compliance monitoring, standard monitoring, or system specific study monitoring in any tabular or spreadsheet format.

(5) Under 40 C.F.R. § 141.602(a)(1)(ii)(F), the Department shall not reject any data or approve any monitoring schedule to replace rejected data.

(6) This subsection replaces 40 C.F.R. § 141.602(a)(2)(iii). If a system submits a model that does not fully meet the requirements under 40 C.F.R. § 141.602(a)(2), the system must correct the deficiencies so that the model fully meets the requirements under 40 C.F.R. § 141.602(a)(2) of this section. If the system fails to correct the deficiencies it must conduct standard monitoring under 40 C.F.R. § 141.601.

(7) Under 40 C.F.R. § 141.603(b)(2), the Department shall not require systems to submit any distribution system schematics or recommended subpart V compliance monitoring locations in addition to their 40/30 certifications.

(8) Under 40 C.F.R. § 141.603(b)(3), the Department shall not require systems meeting the criteria of 40 C.F.R. § 141.603(a) to conduct standard monitoring under 40 C.F.R. § 141.601 or a system specific study under 40 C.F.R. § 141.602.

(9) Under 40 C.F.R. § 141.605(b), systems shall use the number and type of monitoring locations specified in the table in 40 C.F.R. § 141.605(b) as their subpart V routine compliance monitoring locations. The Department shall not require different or additional locations.

(10) This subsection replaces 40 C.F.R. § 141.605(d). Systems shall not recommend locations other than those specified in 40 C.F.R. § 141.605(c).

(11) Under 40 C.F.R. § 141.605(e), the Department approves subpart V monitoring during any month in the third quarter of the calendar year as the equivalent of monitoring during the peak historical month for TTHM and HAA5 concentration.

(12) Footnote 1 to the table in 40 C.F.R. § 141.620(c) shall be interpreted to mean that, upon written request submitted to the Department before the compliance date established in the table, with documentation of the time needed to install capital improvements and with documentation that the improvements will aid in complying with MCL and operational evaluation levels, the Department shall grant the system the additional time needed up to an additional 24 months.

(13) Subpart V monitoring plans required under 40 C.F.R. § 141.622(a)(1) shall be prepared in a format containing all the following information:

(a) A cover page identifying the system and providing relevant general information, including:

1. The system name and PWS identification number;
2. A contact person and phone number;
3. The system type (community or non-transient non-community);
4. The number and type of water sources and water treatment plants; and
5. The population served by the system not including the population served by any consecutive systems that receive water from the system.

(b) Monitoring locations.

(c) Monitoring dates.

(d) Compliance calculation procedures.

(14) Under 40 C.F.R. § 141.622(b), all subpart H systems shall submit a copy of their monitoring plan to the appropriate Department of Environmental Protection District Office or appropriate Approved County Health Department prior to the date the system conducts its initial monitoring under 40 C.F.R. § 141, subpart V. All other systems shall make their monitoring plan available for review during sanitary surveys conducted by the Department and shall submit the monitoring plan if requested by the Department.

(15) This subsection replaces 40 C.F.R. § 141.622(c).

(a) Systems shall modify their 40 C.F.R. § 141, subpart V, monitoring plan to reflect any of the following system changes if the change is expected to impact relative DBP levels in the distribution system:

1. Addition or removal of a water source.
2. Addition or removal of a booster disinfection station.
3. Addition or removal of a finished water storage tank.
4. Addition of a new water service area.
5. Change to the primary or residual disinfectant site or type.

(b) Systems that modify their 40 C.F.R. § 141, subpart V, monitoring plan shall do the following:

1. Ensure the modified plan replaces existing compliance monitoring locations that have the lowest LRAA with new locations that reflect the current distribution system locations where TTHM or HAA5 levels are expected to be high.

2. Ensure the modified plan includes an equal number of highest TTHM locations and highest HAA5 locations and includes the total number of monitoring locations specified in the table in 40 C.F.R. § 141.621(a)(2).

3. Provide rationale for each new highest TTHM location in the modified plan and ensure the location meets at least one of the following characteristics:

a. Location is near the ends of the distribution system, at or before the last group of customers.

b. Location is in a mixing zone where water from different sources combines within the distribution system.

c. Location is hydraulically downstream of finished water storage facilities, especially those with a common inlet and outlet, and booster disinfection.

d. Location is in a hydraulic dead-end where flow of water is low or stagnant.

4. Provide rationale for each new highest HAA5 location in the modified plan and ensure the location meets at least one of the following characteristics:

a. Location is in areas with low but existing disinfectant residual (generally, disinfectant residual levels should be consistently above 0.2 mg/L for free chlorine or 0.6 mg/L for combined chlorine).

b. Location is near the end of the distribution system, at or before the last group of customers.

c. Location is in a mixing zone where water from different sources combines within the distribution system.

d. Location is downstream of finished water storage facilities and booster disinfection.

e. Location is prior to the last fire hydrant.

5. Ensure sample locations provide geographic and hydraulic representation.

(c) Systems that modify their 40 C.F.R. § 141, subpart V, monitoring plan shall submit a copy of the modified plan to the appropriate Department of Environmental Protection District Office or Approved County Health Department prior to monitoring in accordance with the modified plan.

(16) 40 C.F.R. § 141.623(d) shall be disregarded. The Department shall return a system from reduced to routine monitoring only if the system is required to return to routine monitoring under 40 C.F.R. § 141.623(c).

(17) Under 40 C.F.R. § 141.626(b)(2)(i) and (ii), the Department shall approve in writing a system's written request to limit the scope of its operational evaluation if the request identifies the cause of the operational evaluation level exceedance. The report of limited scope need not examine any of the items in 40 C.F.R. § 141.626(b)(2) that do not relate to the identified cause of the operational evaluation level exceedance.

(18) This subsection replaces 40 C.F.R. § 141.629(a) and discusses reporting requirements for subpart V TTHM and HAA5 monitoring.

(a) Systems and laboratories shall report results of required TTHM and HAA5 analyses in accordance with subsections 62-550.730(1) and (2), F.A.C. In addition, systems described in paragraphs (b) and (c) below shall report the summary information described in paragraphs (b) and (c). Systems required to report under paragraph (b) or (c) below shall report to the appropriate Department of Environmental Protection District Office or Approved County Health Department within ten days after the end of each quarter in which samples were collected.

(b) Subpart H systems serving 500 or more persons shall report a summary of results of analyses for TTHM and HAA5 in a format including all of the following information:

1. The system name and PWS identification number,
2. A contact person and phone number, and
3. The information listed in 40 C.F.R. § 141.629(a)(1) and (2).

(c) Systems using only ground water not under the direct influence of surface water and serving 10,000 or more persons shall report a summary of results of analyses for TTHM and HAA5 in a format including all of the following information:

1. The system name and PWS identification number,
2. A contact person and phone number, and

3. The information listed in 40 C.F.R. § 141.629(a)(1).

(d) For systems that are not subject to paragraph 62-550.822(18)(b) or (c), F.A.C., the Department shall perform calculations in accordance with 40 C.F.R. § 141.629(a)(1) to determine whether MCLs or operational evaluation levels were exceeded.

(19) Systems shall take all TTHM and HAA5 samples required by 40 C.F.R. § 141, subpart V, during normal operating conditions.

(a) Systems shall demonstrate that TTHM and HAA5 samples were taken during normal operating conditions by measuring, and reporting with the results of samples for TTHM and HAA5, the residual disinfectant level at the same points where, and same times when, TTHM and HAA5 samples are taken. These measurements may be performed by any authorized representative of the supplier of water or Department; but measurements for residual chlorine shall be performed following the appropriate procedures in the Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, as incorporated into Rule 62-160.800, F.A.C., and all other measurements shall be performed using an appropriate method referenced in subsection 62-550.550(1), F.A.C. These measurements shall not be used for determining compliance with the MRDL.

(b) Systems using distribution system flushing as a means to reduce water residence time in their distribution system and manage TTHM and HAA5 levels shall, to the extent possible, take TTHM and HAA5 samples during the middle third of the time period between flushing events.

Rulemaking Authority 403.861(9) FS. Law Implemented 403.852(12), 403.853(1), (3), (7), 403.861(16), (17) FS. History—New _____.

62-550.824 Consumer Confidence Reports.

These rules are intended to implement the Primary and Secondary Drinking Water Regulations that require community water systems to prepare and provide to their customers annual consumer confidence reports (CCRs) on the quality of the water delivered by the systems. In addition to the requirements

of this rule, the requirements contained in the July 1, 2009, edition of 40 C.F.R. § 141, subpart O (sections 151 through 155) and Appendix A to 40 C.F.R. § 141, subpart O following regulations are adopted and incorporated herein by reference and are enforceable under this rule: the July 1, 2002, edition of 40 CFR 141, Subpart O, sections 151 through 155, and Appendix A to 40 CFR 141, Subpart O; revisions to Subpart O on pages 70855 through 70857 of the November 27, 2002, *Federal Register*; and revisions to Subpart O on pages 73011-74047 of the December 9, 2002, *Federal Register*. Additional information may be obtained from the USEPA's guidance manuals *Preparing Your Drinking Water Consumer Confidence Report – Revised Guidance for Water Suppliers*, EPA 816-R-01-003, January 2001, and *Revised State Implementation Guidance for the Consumer Confidence Report (CCR) Rule*, Appendix F, EPA 816-R-01-002, January 2001, which are incorporated herein by reference.

(1) Additional Report Content Requirements. In addition to the requirements of 40 C.F.R. § 141.153, the following requirements shall apply:

(a) through (k) No change.

(l) Variances and exemptions. Community water systems operating under the terms of a variance or exemption issued by the state in accordance with Rules 62-560.510 62-550.510 and 62-560.520, F.A.C. or Section 120.542, F.S., for the secondary contaminant MCLs listed in Rule 62-550.320, F.A.C., or for the primary contaminant MCLs for nickel and sodium listed in subsections 62-550.310(1), F.A.C., shall include in their CCRs:

1. through 4. No change.

(2) through (3) No change.

Rulemaking Specific Authority 403.861(9) FS. Law Implemented 403.853(3), (4), 403.861(9) FS. History—New 9-22-99, Amended 8-1-00, 11-27-01, 4-10-03, _____.

TABLE 3: [insert the effective date of these rule amendments]
STAGE 1 MAXIMUM CONTAMINANT LEVELS FOR DISINFECTION BYPRODUCTS
REFERENCE SUBSECTION 62-550.310(3), F.A.C.

FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT	MCL (mg/L)
2950	Total Trihalomethanes (TTHM)	Stage 1: 0.080 with compliance determined based on the <u>RAA for the system</u> ¹ Stage 2: 0.080 with compliance determined based on the <u>LRAA at each monitoring location</u> ²
2456	Haloacetic Acids (Five) (HAA5)	Stage 1: 0.060 with compliance determined based on the <u>RAA for the system</u> ¹ Stage 2: 0.060 with compliance determined based on the <u>LRAA at each monitoring location</u> ²
1011	Bromate	0.010
1009	Chlorite	1.0

¹ For further details regarding compliance determinations, see 40 C.F.R. § 141.133(b)(1), which is incorporated by reference in Rule 62-550.821, F.A.C.

² For further details regarding compliance determinations, see 40 C.F.R. § 141.620(c)(7) and (d), which are incorporated by reference in Rule 62-550.822, F.A.C.

Abbreviations Used: MCL = maximum contaminant level;
 mg/L = milligrams per liter;
 RAA = running annual average;
 LRAA = locational running annual average.

TABLE 7: [insert the effective date of these rule amendments]
MONITORING FREQUENCIES AND LOCATIONS
REFERENCE SUBSECTION 62-550.500(2), F.A.C.

CONTAMINANT OR DISINFECTANT RESIDUAL GROUP	APPLICABILITY	INITIAL OR ROUTINE MONITORING		TRIGGER THAT INCREASES MONITORING	INCREASED MONITORING		TRIGGER THAT REDUCES MONITORING	REDUCED MONITORING		MONITORING LOCATION(S)
		SYSTEMS USING ONLY GW SYSTEMS	SUBPART H SYSTEMS		SYSTEMS USING ONLY GW SYSTEMS	SUBPART H SYSTEMS		SYSTEMS USING ONLY GW SYSTEMS	SUBPART H SYSTEMS	
ASBESTOS RULE 62-550.511	CWSs, NTNCWSs	1 SAMPLE EVERY 9 YEARS		SAMPLE > MCL	1 SAMPLE QUARTERLY		SYSTEM NOT SUSCEPTIBLE	NO SAMPLING REQUIRED		NOTE 1
NITRATE & NITRITE RULES 62-550.500(5) & 62-550.512	CWSs, NTNCWSs	1 SAMPLE ANNUALLY	1 SAMPLE QUARTERLY	<u>CWSs USING ONLY GW WITH SAMPLE ≥ 50% OF MCL</u>	1 SAMPLE QUARTERLY		WITH EACH OF 4 MOST RECENT QUARTERLY SAMPLES < 50% OF MCL	---	1 SAMPLE ANNUALLY DURING QUARTER WITH HIGHEST RESULT	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
	TWSs	1 SAMPLE ANNUALLY		NITRATE SAMPLE > MCL OR NITRITE SAMPLE ≥ 50% OF MCL	1 SAMPLE QUARTERLY		---	---		
INORGANICS RULES 62-550.500(5) & 62-550.513	CWSs, NTNCWSs	1 SAMPLE EVERY 3 YEARS	1 SAMPLE ANNUALLY	SAMPLE > MCL	1 SAMPLE QUARTERLY		1 FOR CONSECUTIVE QUARTERS < MCL	SEE ROUTINE MONITORING		EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
CHLORINE & CHLORAMINES RULES 62-550.514(1) & 62-550.821	CWSs/NTNCWSs ADDING OR DELIVERING WATER THAT HAS BEEN TREATED WITH CHLORINE OR CHLORAMINES	MULTIPLE SAMPLES MONTHLY. SEE NOTE 2		---	---		---	---		NOTE 2
CHLORINE DIOXIDE RULES 62-550.514(1) & 62-550.821	CWSs/NTNCWSs/TWSs ADDING CHLORINE DIOXIDE	1 SAMPLE DAILY		SAMPLE > MCL	ADDITIONAL 3-SAMPLE SET THE FOLLOWING DAY		---	---		NOTE 3

TTHM & HAA5 - STAGE 1 TOTAL TRICHALO-METHANES & HALOACETIC ACIDS (FIVE) STAGE 1 MCLs RULES 62-550.514(2) & 62-550.821	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING ≥ 10,000 PERSONS	1 SAMPLE PER TREATMENT PLANT QUARTERLY	4 SAMPLES PER TREATMENT PLANT QUARTERLY	---	---	GW SYS. USING ONLY GW WITH ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL; SUBPART H SYS. WITH ANNUAL AVG SOURCE-WATER TOC ≤ 4.0 MG/L & ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	1 SAMPLE PER TREATMENT PLANT QUARTERLY	NOTE 4
	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING 500 to 9,999 PERSONS	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	1 SAMPLE PER TREATMENT PLANT QUARTERLY	GW SYS. USING ONLY GW WITH AVG OF ANNUAL SAMPLES > MCL	1 SAMPLE PER TREATMENT PLANT QUARTERLY	---	GW SYS. USING ONLY GW WITH ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL FOR 2 CONSECUTIVE YEARS OR ≤ 25% OF MCL FOR 1 YEAR; SUBPART H SYS. WITH ANNUAL AVG SOURCE-WATER TOC ≤ 4.0 MG/L & ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL	1 SAMPLE PER TREATMENT PLANT EVERY 3 YEARS DURING MONTH OF WARMEST WATER TEMP.	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.
	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING < 500 PERSONS	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	AVG OF ANNUAL SAMPLES > MCL	1 SAMPLE PER TREATMENT PLANT QUARTERLY	---	---	GW SYS. USING ONLY GW WITH ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL FOR 2 CONSECUTIVE YEARS OR ≤ 25% OF MCL FOR 1 YEAR	---	---
TTHM & HAA5 - STAGE 2 RULES 62-550.514(2) & 62-550.822	CWSs/NTNCWSs USING A PRIMARY OR RESIDUAL DISINFECTANT OTHER THAN UV LIGHT OR DELIVERING WATER THAT HAS BEEN TREATED WITH A PRIMARY OR RESIDUAL DISINFECTANT OTHER THAN UV LIGHT	POPULATION BASED - REFER TO 40 C.F.R. § 141.621(a)(2)	MONITORING ANNUALLY OR LESS FREQUENTLY & TTHM SAMPLE > 0.080 MG/L OR HAA5 SAMPLE > 0.060 MG/L AT ANY LOCATION	DUAL SAMPLE SETS QUARTERLY AT ALL LOCATIONS	---	SYSTEMS USING ONLY GW WITH LRAA TTHM & HAA5 ≤ 50% OF MCL AT ALL MONITORING LOCATIONS; SUBPART H SYS. WITH ANNUAL AVG SOURCE-WATER TOC ≤ 4.0 MG/L & LRAA TTHM & HAA5 ≤ 50% OF MCL AT ALL MONITORING LOCATIONS	POPULATION BASED - REFER TO 40 C.F.R. § 141.623(a)	HIGHEST TTHM LOCATIONS & HIGHEST HAA5 LOCATIONS IN ACCORDANCE WITH 40 C.F.R. § 141. SUBPART V, MONITORING PLAN	
CHLORITE STAGE 1 MCL RULES 62-550.514(2) & 62-550.821	CWSs/NTNCWSs ADDING CHLORINE DIOXIDE	1 SAMPLE DAILY	SAMPLE > MCL	ADDITIONAL 3-SAMPLE SET THE FOLLOWING DAY	---	---	---	---	NOTE 5
		3-SAMPLE SET MONTHLY	---	---	---	NO INDIVIDUAL ENTRY-POINT OR DIST. SYS. SAMPLE > MCL FOR 1 YEAR ANNUAL AVG BROMATE ≤ 0.0025 MG/L BASED ON MONTHLY MEASUREMENTS ANNUAL AVG SOURCE-WATER BROMIDE ≤ 0.05 MG/L BASED UPON MONTHLY MEASUREMENTS	3-SAMPLE SET QUARTERLY	---	
BROMATE STAGE 1 MCL RULES 62-550.514(2) & 62-550.821	CWSs/NTNCWSs ADDING OZONE	1 SAMPLE PER TREATMENT PLANT MONTHLY	---	---	---	---	1 SAMPLE PER TREATMENT PLANT QUARTERLY	ENTRANCE TO DIST. SYS. UNDER NORMAL OPERATING CONDITIONS	
VOCs VOLATILE ORGANICS RULES 62-550.500(5) & 62-550.515	CWSs, NTNCWSs	4 CONSECUTIVE QUARTERLY SAMPLES EVERY 3 YEARS OR, IF AUTHORIZED, 1 SAMPLE ANNUALLY; SEE NOTE 6	DETECTION OF ANY VOC AT > 0.0005 MG/L	1 SAMPLE QUARTERLY	---	---	1 SAMPLE EVERY 3 YEARS	---	NOTE 7
	CWSs/NTNCWSs SERVING ≤ 3,300 PERSONS	4 CONSECUTIVE QUARTERLY SAMPLES EVERY 3 YEARS	DETECTION OF ANY SOC	1 SAMPLE QUARTERLY	---	NO DETECTION OF ANY SOC DURING INITIAL COMPLIANCE PERIOD	2 QUARTERLY SAMPLES IN THE SAME YEAR EVERY 3 YEARS	---	NOTE 7
MICRO-BIOLOGICAL CONTAMINANTS RULE 62-550.518	CWSs, NTNCWSs, SUBPART H TWSs, TWSs SERVING > 1,000 PERSONS	MULTIPLE SAMPLES MONTHLY; SEE NOTE 8	TOTAL COLIFORM POSITIVE SAMPLE	NOTE 9	---	---	---	SITES REFLECTING WATER THROUGHOUT DIST. SYS.	
	TWSs SERVING ≤ 1,000 PERSONS CWSs	2 SAMPLES QUARTERLY 1 SAMPLE EVERY 3 YEARS	---	---	---	---	---	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS	
SECONDARY CONTAMINANTS RULES 62-550.500(5) & 62-550.520	CWSs	---	---	---	---	---	---	---	

GROSS ALPHA, RADIUM-226, RADIUM-228, & URANIUM RULE 62-550.519(1)	CWSs	INITIAL MONITORING IS 4 CONSECUTIVE QUARTERLY SAMPLES; ROUTINE MONITORING IS 1 SAMPLE EVERY 3 YEARS; <u>SEE NOTE 10</u>	SAMPLE > MCL OR IF MONITORING ONCE EVERY 6 YEARS, A SAMPLE RESULT > 1/2 MCL OR IF MONITORING ONCE EVERY 9 YEARS, A SAMPLE RESULT ≥ DETECTION LIMIT	1 SAMPLE QUARTERLY WHEN PREVIOUS SAMPLE RESULT IS > MCL OR IF SAMPLING EVERY 9 YEARS AND THE SAMPLE IS ≥ MCL BUT > 1/2 MCL, SAMPLE EVERY 6 YEARS; OR IF SAMPLE IS ≥ DETECTION LIMIT BUT ≤ 1/2 MCL; OR IF SAMPLING EVERY 6 OR 9 YEARS AND THE SAMPLE IS > 1/2 MCL BUT ≤ MCL, SAMPLE EVERY 3 YEARS OR IF SAMPLING EVERY 9 YEARS AND THE SAMPLE IS ≥ DETECTION LIMIT BUT < 1/2 MCL, SAMPLE EVERY 6 YEARS	AVERAGE OF INITIAL MONITORING SAMPLES OR LAST ROUTINE OR REDUCED MONITORING SAMPLE < DETECTION LIMIT	1 SAMPLE EVERY 9 YEARS	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
					DETECTION LIMIT ≤ AVERAGE OF INITIAL MONITORING SAMPLES OR LAST ROUTINE OR REDUCED MONITORING SAMPLE IS ≥ DETECTION LIMIT BUT ≤ 1/2 MCL	1 SAMPLE EVERY 6 YEARS	
BETA PARTICLE & PHOTON RADIO-ACTIVITY RULE 62-550.519(2)	CWSs DESIGNATED AS VULNERABLE	1 SAMPLE QUARTERLY FOR GROSS BETA & 1 SAMPLE ANNUALLY FOR TRITIUM & STRONTIUM-90	SAMPLE > MCL	1 SAMPLE MONTHLY FOR GROSS BETA, TRITIUM, & STRONTIUM-90	ANNUAL AVERAGE OF GROSS BETA MINUS POTASSIUM-40 ≤ 50 pCi/L	1 SAMPLE EVERY 3 YEARS FOR GROSS BETA, TRITIUM, & STRONTIUM-90	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
	CWSs DESIGNATED AS UTILIZING WATERS CONTAMINATED BY EFFLUENTS FROM NUCLEAR FACILITIES	QUARTERLY FOR GROSS BETA & IODINE-131 & ANNUALLY FOR TRITIUM & STRONTIUM-90; SEE NOTE 11	QUARTERLY RESULT FOR GROSS BETA OR IODINE-131 > MCL; ANNUAL RESULT FOR TRITIUM OR STRONTIUM-90 > MCL	MONTHLY FOR GROSS BETA, IODINE-131, TRITIUM, & STRONTIUM-90	ANNUAL AVERAGE OF GROSS BETA MINUS POTASSIUM-40 ≤ 15 pCi/L	EVERY 3 YEARS FOR GROSS BETA, IODINE-131, TRITIUM, & STRONTIUM-90	
Abbreviations used:	CWSs = community water systems; GW SYSTEMS = ground water systems; HAA5 = haloacetic acids (five); MCL = maximum contaminant level; MGL = milligrams per liter; NTNCWSs = non-transient non-community water systems; pCi/L = picocuries per liter;			SOC = synthetic organic contaminant; TOC = total organic carbon; TTHM = total trihalomethanes; TWSs = transient non-community water systems; UV = ultraviolet; VOC = volatile organic contaminant			

NOTE 1: Systems susceptible to asbestos contamination due solely to corrosion of asbestos-cement pipe shall sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur. Systems susceptible to asbestos contamination due solely to source water shall monitor at every entry point to the distribution system during normal operating conditions. Systems susceptible to asbestos contamination due to both source water and corrosion of asbestos-cement pipe shall sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

NOTE 2: Systems shall measure the residual disinfectant level at the same locations in the distribution system where, and at the same time when, total coliforms are sampled.

NOTE 3: Systems shall take routine daily samples at the entrance to the distribution system. Systems shall take additional three-sample sets in the distribution system at the following locations:

(a) If chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfectant addition ~~disinfection~~ points after the

entrance to the distribution system (i.e., no booster chlorination), the system shall take three samples as close to the first customer as possible at intervals of at least six hours.

(b) If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfectant addition points after the entrance to the distribution system (i.e., booster chlorination), the system shall take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible.

NOTE 4: Systems taking one sample shall take the sample at a location reflecting maximum residence time in the distribution system. Systems taking more than one sample shall take at least 25% of the samples at locations representing maximum residence time of the water in the distribution system and shall take the remaining samples at locations representing at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.

NOTE 5: Systems shall take routine daily samples at the entrance to the distribution system. Systems shall take routine monthly or additional three-set samples in the distribution system; each three-set sample shall consist of one sample at

each of the following locations: a location as close to the first customer as possible, a location representative of average residence time, and a location reflecting maximum residence time in the distribution system.

NOTE 6: For initial base point monitoring, systems shall take four consecutive quarterly samples during the first three-year compliance period. If a system does not detect any VOC, it shall take one sample annually beginning with the next three-year compliance period.

NOTE 7: During the first quarter of initial base point monitoring, GW systems shall take a minimum of one sample that is representative of each well. Under all other circumstances, systems shall sample at every entry point to the distribution system during normal operating conditions.

NOTE 8: The minimum number of samples shall be as set forth in subsection Rule 62-550.518(2), F.A.C.

NOTE 9: Systems shall conduct repeat monitoring in accordance with subsection Rule 62-550.518(7), F.A.C., and systems that routinely collect fewer than five samples per month shall collect at least five samples during the next month the system provides water to the public.

NOTE 10: The Department shall waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two quarters are below the regulatory detection limit. Additionally, under the conditions described in paragraph Rule 62-550.519(1)(c), F.A.C., historical data may be used to satisfy initial monitoring requirements. ~~Systems shall take one sample quarterly if an MCL is exceeded.~~

NOTE 11: Quarterly monitoring for gross beta shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. Annual monitoring for tritium and strontium-90 shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

TABLE 8: insert the effective date of these rule amendments

INITIAL OR ROUTINE MONITORING SCHEDULE
REFERENCE SUBSECTION RULE 62-550.500(3), F.A.C.

Under initial or routine monitoring, public water systems shall take required samples during the time period specified below.

CONTAMINANT OR DISINFECTANT RESIDUAL GROUP	COMMUNITY WATER SYSTEMS SERVING MORE THAN 3,300 PEOPLE	COMMUNITY WATER SYSTEMS SERVING 3,300 OR FEWER PEOPLE	NON-TRANSIENT NON-COMMUNITY WATER SYSTEMS	TRANSIENT NON-COMMUNITY WATER SYSTEMS
ASBESTOS RULES 62-550.500(3) & 62-550.511	FIRST YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	SECOND YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	THIRD YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	NOT REQUIRED
NITRATES AND NITRITES RULES 62-550.500(3) & 62-550.512	SYSTEMS USING ONLY GROUND WATER SYSTEMS			
	SUBPART H SYSTEMS			ANNUALLY
INORGANICS RULES 62-550.500(3) & 62-550.513	SYSTEMS USING ONLY GROUND WATER SYSTEMS			
	SUBPART H SYSTEMS			NOT REQUIRED
CHLORINE & CHLORAMINES RULES 62-550.514(1) & 62-550.821	MONTHLY FOR SYSTEMS ADDING OR DELIVERING WATER TREATED WITH CHLORINE OR CHLORAMINES			NOT REQUIRED
CHLORINE DIOXIDE RULES 62-550.514(1) & 62-550.821	DAILY FOR SYSTEMS ADDING CHLORINE DIOXIDE			
TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) - <u>STAGE 1 STAGE-1 MCL</u> RULES 62-550.500(3), 550.514(2), & 62-550.821	SYSTEMS USING ONLY GROUND WATER SYSTEMS			
	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 10,000 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 10,000 PEOPLE	ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 10,000 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 10,000 PEOPLE	NOT REQUIRED
SUBPART H SYSTEMS		QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 500 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 500 PEOPLE	NOT REQUIRED

TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) – STAGE 2 RULES 62-550.500(3), 62-550.514(2), & 62-550.822	SYSTEMS USING ONLY GROUND WATER	QUARTERLY FOR SYSTEMS SERVING ≥ 10,000 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 10,000 PEOPLE	ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS	QUARTERLY FOR SYSTEMS SERVING ≥ 10,000 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 10,000 PEOPLE	NOT REQUIRED
	SUBPART H SYSTEMS	QUARTERLY	QUARTERLY FOR SYSTEMS SERVING ≥ 500 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 500 PEOPLE		
CHLORITE – STAGE 1 MCL RULES 62-550.514(2) & 62-550.821		DAILY AT ENTRANCE TO DISTRIBUTION SYSTEM & MONTHLY IN DISTRIBUTION SYSTEM FOR SYSTEMS ADDING CHLORINE DIOXIDE			NOT REQUIRED
BROMATE – STAGE 1 MCL RULES 62-550.514(2) & 62-550.821		MONTHLY FOR SYSTEMS ADDING OZONE			NOT REQUIRED
VOLATILE ORGANICS RULES 62-550.500(3) & 62-550.515		QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE THIRD YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	NOT REQUIRED
SYNTHETIC ORGANICS RULES 62-550.500(3) & 62-550.516		QUARTERLY DURING THE FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD- UNLESS REDUCED MONITORING IS AUTHORIZED	QUARTERLY DURING THE SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD- UNLESS REDUCED MONITORING IS AUTHORIZED	QUARTERLY DURING THE THIRD YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS AUTHORIZED	NOT REQUIRED
MICROBIOLOGICAL CONTAMINANTS RULES 62-550.500(3) & 62-550.518	SYSTEMS USING ONLY GROUND WATER	MONTHLY			MONTHLY FOR SYSTEMS SERVING > 1,000 PEOPLE & QUARTERLY FOR SYSTEMS SERVING ≤ 1,000 PEOPLE
	SUBPART H SYSTEMS	MONTHLY			
GROSS ALPHA, RADIUM-226, RADIUM-228 & URANIUM RULES 62-550.500(3) & 62-550.519		ROUTINE MONITORING OCCURS DURING FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS APPROVED	ROUTINE MONITORING OCCURS DURING SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS APPROVED	NOT REQUIRED	NOT REQUIRED
BETA PARTICLE & PHOTON RADIOACTIVITY RULES 62-550.500(3) & 62-550.519		QUARTERLY/ANNUALLY FOR SYSTEMS DESIGNATED AS VULNERABLE OR UTILIZING WATERS CONTAMINATED BY EFFLUENTS FROM NUCLEAR FACILITIES		NOT REQUIRED	NOT REQUIRED
SECONDARY CONTAMINANTS RULES 62-550.500(3) & 62-550.520		FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	NOT REQUIRED	NOT REQUIRED

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-560.400
 RULE TITLES: Scope of Drinking Water Public Notification Rules
 62-560.410
 Public Notification – Primary Standards

PURPOSE AND EFFECT: The Department is adopting the national Stage 2 Disinfectants and Disinfection Byproducts Rule (D/DBPR), including revisions to best available technology (BAT) for disinfection byproducts. Also, the

Department is updating the State’s “Standard Health Effects Language for Public Notification,” so it is consistent with the national primary drinking water regulations.

SUMMARY: Rules 62-560.400 and 62-560.410, F.A.C., are being amended to reference the current edition of Appendix B to Subpart Q in Part 141 of Title 40 of the Code of Federal Regulations, “Standard Health Effects Language for Public Notification.” Table 2 in Chapter 62-560, F.A.C., is being amended to incorporate the Stage 2 D/DBPR BAT for compliance with the Stage 2 D/DBPR maximum contaminant levels for total trihalomethanes and haloacetic acids (five). There are a number of Department of Environmental Protection rules that reference these rules being amended. Rules 62-550.200, 62-550.310, 62-550.500, 62-550.512, 62-550.518, and 62-550.821, F.A.C., reference Rule 62-560.410, F.A.C., but the amendment to Rule 62-560.410, F.A.C., will have no effect on those rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has determined that these rule amendments will have no impact on public water systems, some of which are small businesses. The update to the health effects language referenced in Rules 62-560.400 and 62-560.410, F.A.C., will result only in different wording being

required for public notices. The list of BAT in amended Table 2 is mainly for informational purposes; public water systems must use a BAT listed in Table 2 only if they wish to obtain a variance from a maximum contaminant level for disinfection byproducts.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.861(9) FS.

LAW IMPLEMENTED: 403.857 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 20, 2010, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Virginia Harmon at the above address, telephone, or email address. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Virginia Harmon at the above address, telephone, or email address

THE FULL TEXT OF THE PROPOSED RULES IS:

62-560.400 Scope of Drinking Water Public Notification Rules.

The following sections set forth the requirements that a supplier of water shall meet when public notification is required. In addition to the requirements described in this part, Appendix B to Subpart Q of 40 C.F.R. § 141, "Standard Health Effects Language for Public Notification," July 1, ~~2009~~ 2002, is adopted and incorporated herein by reference and is available from the Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

~~Rulemaking Specific~~ Authority 403.861(9) FS. Law Implemented 403.857 FS. History–New 1-18-89, Amended 1-3-91, 1-1-93, Formerly 17-560.400, Amended 9-7-94, 11-27-01, 1-17-05,_____.

62-560.410 Public Notification – Primary Standards.

(1) through (5) No change.

(6) The supplier of water shall include in the notice the applicable language on potential adverse health effects for those contaminants and disinfectants found in Appendix B to Subpart Q of 40 C.F.R. § 141, "Standard Health Effects Language for Public Notification," July 1, ~~2009~~ 2002, and in subparagraph 62-550.824(1)(c)5., F.A.C.

(7) through (11) No change.

~~Rulemaking Specific~~ Authority 403.861(9) FS. Law Implemented 403.857 FS. History–New 11-19-87, Formerly 17-22.910, Amended 1-18-89, 1-3-91, 1-1-93, 7-4-93, Formerly 17-560.410, Amended 9-7-94, 11-27-01, 1-17-05,_____.

TABLE 2: [insert the effective date of these rule amendments]
 BEST AVAILABLE TECHNOLOGY FOR DISINFECTION BYPRODUCTS
 REFERENCE SUBSECTION 62-560.610(3), F.A.C.

CONTAMINANT	BEST AVAILABLE TECHNOLOGY
<p><u>Total Trihalomethanes and Haloacetic Acids (five)</u></p>	<p>For compliance with the Stage 1 MCLs and 40 C.F.R. § 141, subpart L, as incorporated into Rule 62-550.821, F.A.C.:</p> <ul style="list-style-type: none"> • <u>Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant</u> <p>For compliance with the Stage 2 MCLs and 40 C.F.R. § 141, subpart V, as incorporated into Rule 62-550.822, F.A.C., by systems that disinfect their source water:</p> <ul style="list-style-type: none"> • <u>Enhanced coagulation or enhanced softening, plus GAC10</u> • <u>Nanofiltration with a molecular weight cutoff less than or equal to 1,000 Daltons</u> • <u>GAC20</u> <p>For compliance with the Stage 2 MCLs and 40 C.F.R. § 141, subpart V, as incorporated into Rule 62-550.822, F.A.C., by consecutive systems (these technologies apply only to disinfected water that consecutive systems buy or otherwise receive):</p> <ul style="list-style-type: none"> • <u>Systems serving 10,000 or more people: improved distribution system and storage tank management to reduce residence time, plus the use of chloramines for disinfectant residual maintenance</u> • <u>Systems serving less than 10,000 people: improved distribution system and storage tank management to reduce residence time</u>
<p>Total Trihalomethanes</p>	<p>Enhanced coagulation with chlorine as the primary and residual disinfectant. Enhanced softening with chlorine as the primary and residual disinfectant. GAC 10 with chlorine as the primary and residual disinfectant.</p>
<p>Haloacetic acids (five)</p>	<p>Enhanced coagulation with chlorine as the primary and residual disinfectant. Enhanced softening with chlorine as the primary and residual disinfectant. GAC 10 with chlorine as the primary and residual disinfectant.</p>
<p>Bromate</p>	<p>Control of ozone treatment process to reduce production of bromate.</p>
<p>Chlorite</p>	<p>Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.</p>

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet G. Llewellyn, Director, Division of Water Resource Management
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 2009

63H-1.010 Cross-Over Training
 63H-1.011 Rehired Employee Training
 63H-1.013 Testing Requirements
 63H-1.014 Training Instructor Qualifications
 63H-1.016 Law Enforcement and County Operated Facilities and Partnerships

PURPOSE AND EFFECT: The amendments to the department's Protective Action Response (PAR) verbal and physical intervention program are necessary to accommodate county operation of juvenile detention centers.

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

RULE NOS.:
 63H-1.001
 63H-1.002
 63H-1.004
 63H-1.006

RULE TITLES:
 Purpose and Scope
 Definitions
 Authorized Techniques
 Supervision of Youth in Mechanical Restraints

SUMMARY: References to state operated and contracted facilities are revised to include county operation of detention centers and facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 985.64, 985.645 FS.

LAW IMPLEMENTED: 985.645 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, December 13, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63H-1.001 Purpose and Scope.

This rule establishes a statewide framework to implement procedures governing the use of verbal and physical intervention techniques and mechanical restraints. Protective Action Response (PAR), as authorized by the department, shall be the verbal and physical intervention program trained and utilized by direct care staff in state operated, county operated, county operated, and contracted facilities and programs. PAR verbal intervention is the most common and preferred method of preventing or de-escalating conflict. It is the intent of the department that the least restrictive means of physical intervention be employed based on the individual needs of each youth.

Rulemaking Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055 FS. History—New 11-19-06, Amended 1-13-09, _____.

63H-1.002 Definitions.

(1) Active Resistance – Youth makes physically evasive movements to defeat an employee's attempts to control; for example, bracing, or attempting to push or pull away from an employee.

(2) Actively Engaged – An employee is participating in the practical performance or application of any one of the approved physical intervention techniques or mechanical restraints.

(3) Administrator – One whose primary responsibility is overseeing the daily operations of a facility, program or probation circuit.

(4) Aggravated Resistance – Youth makes overt, hostile, attacking movements with or without a weapon with the apparent intent and apparent ability to cause death or great

bodily harm to the employee, self, or others; for example, striking with a stick, banging head against the wall, or swinging a razor blade.

(5) CJSTC – Criminal Justice Standards and Training Commission.

(6) Combative Resistance – Youth makes overt, hostile, attacking movements that may cause injury.

(7) Control Techniques – Techniques used to control and/or move a youth from point A to point B with minimum effort by the employee in order to gain and retain control over the youth.

(8) Countermoves – Techniques that impede a youth's movement toward an employee or others; for example, blocking, distracting, evading, redirecting, or avoiding.

(9) Designated Health Authority – A physician who holds an active license under Chapter 458 or 459, F.S.

(10) Dialogue – A two-way, controlled, non-emotional communication between the employee and the youth aimed at problem identification and/or resolution.

(11) Direct Care – Having direct contact with youth for the purpose of providing care, supervision, custody, or control in a state or county operated detention facility, delinquency program, or commitment program within any restrictiveness level, operated by the department or by a provider under contract with the department.

(12) Facility – A contracted, ~~or~~ state-operated, or county operated secure environment that provides custody, care, supervision or confinement of youth alleged or found to have committed a violation of law. This includes, but is not limited to, secure detention, law enforcement operated facilities, residential commitment programs, day treatment programs, and contracted facility based conditional release programs.

(13) Facility Employee – Any employee who exercises direct care in a facility.

(14) Hard Mechanical Restraints – Restraint devices constructed from inflexible material; for example, metal handcuffs, leg cuffs, and waist chains.

(15) Individual Health Care Record – The compilation of all records related to a youth's medical, dental and mental health.

(16) Master PAR Instructor – An advanced, qualified instructor who assists and monitors PAR instructors in maintaining quality delivery of PAR training and evaluation for PAR certification.

(17) Mechanical Restraints – This includes hard and soft mechanical restraints as defined in this rule.

(18) Mechanical Restraints Supervision Log – The form used to document a facility employee's use of mechanical restraints as a result of a Level 3 response, as defined in subsection 63H-1.003(3), F.A.C. The Mechanical Restraints Supervision Log (ADSD-001, revised 6/01/06) is incorporated

by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/mechanical_restraints_supervision_log.pdf).

(19) PAR Medical Release – The form signed and dated by a licensed physician that authorizes an employee to perform the physical intervention techniques that were checked on the Medical Status form. The PAR Medical Release (ADSD-002, revised 8/15/03) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_medical_release.pdf).

(20) PAR Medical Status – The form signed and dated by a licensed physician that identifies the physical intervention techniques listed on the applicable PAR Training Plan an employee cannot perform and why. The PAR Medical Status (ADSD-003, revised 12/11/06) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_medical_status.pdf).

(21) PAR Medical Review – The evaluation deemed necessary as a result of the Post PAR Interview.

(22) Passive Resistance – The youth physically refuses to comply or respond. The youth does not attempt to physically defeat the actions of the employee but refuses to obey all verbal directives.

(23) Post PAR Interview – The interview conducted by the Administrator or designee following a Level 2 or Level 3 response.

(24) Program – A contracted or state-operated non-residential environment providing supervision of youth who have been identified to receive services within the community. This includes, but is not limited to, probation, non-secure detention, home detention, juvenile assessment centers, Intensive Delinquency Diversion Services (IDDS) programs; community based conditional release programs and screening and intake units. This does not include prevention programs.

(25) Program Employee – Any employee who exercises direct care for a program.

(26) PAR – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with this rule, the Protective Action Response Escalation Matrix, and PAR training curricula.

(27) PAR Certification – This applies to an employee who has successfully completed PAR training as described in this rule. Only employees who are PAR trained are authorized to use PAR.

(28) PAR Escalation Matrix – The document that provides guidance as to the authorized level of response based upon the youth's level of resistance. This document articulates the five levels of resistance that may be displayed by a youth and the levels of response employees are authorized to use. The PAR Escalation Matrix (ADSD-004, revised 12/11/06) is

incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_escalation_matrix.pdf).

(29) PAR Incident Report – The form used to document the occurrence of an event where an employee has used one of the enumerated physical intervention techniques. The PAR Incident Report (ADSD-005, revised 6/23/08) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_incident_report.pdf).

(30) PAR Performance Evaluation Forms – These forms are used to measure an employee's or PAR Instructor's ability to perform verbal and physical intervention techniques and apply mechanical restraints. The following forms are incorporated by reference and are available at the department's website listed below respectively:

(a) PAR Performance Evaluation – State operated facility/Contracted detention/ and Law Enforcement operated facility staff (ADSD-006, revised 6/01/2006) (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_state_operated.pdf).

(b) PAR Performance Evaluation – Contracted facility staff (ADSD-007, revised 12/11/06) (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_contracted.pdf).

(c) PAR Performance Evaluation – Program staff (ADSD-008, revised 8/15/2003) (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_program_staff.pdf).

(d) PAR Performance Evaluation – PAR Instructors (ADSD-009, revised 12/11/06) (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_instructor.pdf).

(31) PAR Training Plan forms – These forms identify the specific techniques that program and facility employees shall be trained to use. The identified techniques are the only techniques employees are authorized to use (except where provided in Rules 63H-1.003 and 63H-1.004, F.A.C.). The PAR Training Plan – Contracted facility staff form (ADSD-010, revised 12/11/06) is incorporated by reference and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_training_plan.pdf).

(32) Soft Mechanical Restraints – Restraint devices that are made with flexible materials; for example, Velcro, nylon flex cuffs (also known as zip cuffs), and leather.

(33) Takedowns – Techniques that redirect a youth to the ground in a controlled manner in order to limit the youth's physical resistance and to facilitate the application of a restraint device, if needed.

(34) Touch – Employee uses a familiar touch when directing, or a custodial touch prior to escalating to a higher response level.

(35) Verbal Directions – Employee tells or commands a youth to engage in, or refrain from, a specific action or non-action.

(36) Verbal Resistance – Youth verbally refuses to comply with an employee's verbal attempts to control the situation.

Rulemaking Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History--New 11-19-06, Amended 3-4-07, 1-13-09,_____.

63H-1.004 Authorized Techniques.

(1) Protective Action Response, as authorized by the department, shall be the verbal and physical intervention program trained and utilized by direct care staff in state-operated, county operated and contracted facilities and programs.

(2) On or before August 31, 2006, existing contracted facilities shall submit a new PAR Training Plan to the Director Assistant Secretary of Staff Development and Training or designee through the department's Regional Director or designee, and thereafter notice of any change to this plan shall be submitted as described above within 30 calendar days of the changes' effective date. Newly contracted or county operated facilities, except contracted detention facilities, shall submit their PAR Training Plan as described above no less than 30 calendar days prior to becoming operational. The PAR Training Plan for contracted or county operated facility employees shall specify the following:

(a) All Stance and Body Movement techniques.

1. Reactionary Gap
2. Danger Zone
3. Interview Stance
4. Ready Stance
5. Approach
- (b) All Countermoves.
 1. High Block
 2. Mid-range – Straight Arm Blows
 3. Mid-range – Roundhouse Blows
 4. X Block
 5. Leg Raise
 6. Evasive Sidestep (with and without redirection)
 7. Wrist Releases
 8. Front Choke Releases
 9. Bear Hug Releases
 10. Bite Escape
 11. Headlock Escape
 12. Full Nelson Escape
 13. Double Arm Lock Escape
 14. Hairpull Escapes
 15. Ground Defense

(c) At a minimum, one (1) Touch technique.

1. Straight Arm Escort (Extended and Close)
2. Supportive Hold: Stage 1

(d) At a minimum, four (4) Control techniques, one of which must be Ground Control.

1. Ground Control
2. Basket Hold
3. Arm Bar

4. Arm Control
5. Wrap-around
6. Team Arm Control
7. Supportive Hold: Stages 2 & 3
- (e) At a minimum, three (3) Takedown techniques.

1. Straight Arm to a Takedown
2. Basket Hold to a Takedown
3. Arm Bar to a Takedown
4. Wrap-around to a Team Takedown
5. Supportive Hold to a Takedown: Stages 4 & 5
6. Immediate Team Takedown

(f) The following uses of Mechanical Restraints: standing front handcuffing and uncuffing, one (1) rear handcuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall). Other uses of mechanical restraints, if authorized under Rule 63H-1.005, F.A.C., may also be specified.

(g) Searches.

(h) The Wrap-around Control technique will not be used on pregnant youth.

(3) The PAR Training Plan for State-Operated facility employees, ~~Law Enforcement Operated Employees~~, and Contracted Detention employees shall specify the following:

(a) All Stance and Body Movement techniques.

(b) All Countermoves.

(c) Searches.

(d) The Straight Arm Escort – Extended and Close Positions.

(e) All Control techniques, except Supportive Hold Control.

(f) All Takedowns, except Wrap-around to a Team Takedown, and Stages 4 and 5 of Supportive Hold to a Takedown.

(g) Handcuffs and Leg Cuffs.

(h) The Wrap-around Control technique will not be used on pregnant youth.

(4) Direct Care employees in law enforcement operated or county operated facilities having been dually certified in the PAR Escalation Matrix, and the CJSTC Response to Resistance Matrix shall be authorized to use the approved CJSTC tactics as outlined on the Response to Resistance Matrix when reasonably necessary to control a youth after the youth exhibits combative resistance as defined in this rule or aggressive physical resistance (defined in CJSTC standards as overt, hostile, attacking movements that may cause injury, but are not likely to cause death or great bodily harm), and after PAR Escalation Matrix techniques have been exhausted; or when the alternatives are considered inappropriate due to the rapid escalation of dangerous behavior. The CJSTC Response to Resistance Matrix (CJSTC Form 85, 2/7/02) is incorporated by reference, and is available from the Director of Assistant Secretary for Staff Development at 2737 Centerview Drive,

Alexander Building, Suite 1416, Tallahassee, Florida 32399. This rule does not authorize the use of, and specifically prohibits direct care employees, whether dually certified or PAR certified, from using:

- (a) A Taser on a youth;
- (b) Aerosol or chemical agents, including but not limited to oleoresin capsicum spray;
- (c) Ammonia capsules, unless required for medical treatment of the youth by a licensed medical professional.

(5) The PAR Training Plan for Program employees shall specify:

- (a) All Stance and Body Movement techniques; and
- (b) All Countermoves.

(6) PAR certified facility and program employees shall only use the techniques that are specified on the applicable PAR Training Plan, and PAR certified facility employees shall only use the mechanical restraints that are specified on the applicable PAR Training Plan.

Rulemaking Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History—New 11-19-06, Amended 3-4-07,_____.

63H-1.006 Supervision of Youth in Mechanical Restraints.

(1) Youth secured in mechanical restraints pursuant to Rule 63H-1.003, F.A.C., shall be supervised in accordance with this section.

(2) At no time will a youth be left without constant, full, and direct visual supervision by an employee. The youth shall not be placed in an upper bunk or in any position that does not permit constant, full, and direct visual supervision. Youth shall not be stripped of their clothing.

(3) Employees responsible for providing constant, full, and direct visual supervision shall have physical possession of the key to unlock the mechanical restraints.

(4) While a youth is placed in mechanical restraints, employees shall:

(a) Employ verbal intervention techniques designed to de-escalate the need for mechanical restraints.

(b) Continually monitor the youth's level of resistance, aggressiveness, and willingness to comply with instructions to determine whether removal of restraints is safe and advisable.

(c) Conduct breathing and circulation checks at ten-minute intervals. These ten-minute checks shall be documented on the Mechanical Restraints Supervision Log.

(5) If a restrained youth continues to exhibit negative, hostile, and/or aggressive behavior so that removal of mechanical restraints is unsafe, the supervisor or acting supervisor shall interview the youth and decide if it is safe to remove the mechanical restraints. This interview shall occur no more than 30 minutes after the youth is placed in restraints. If it is decided that it is unsafe to remove the restraints, the supervisor or acting supervisor shall document the decision on the Mechanical Restraints Supervision Log. If authorization is

obtained from the Superintendent, Residential Program Director, Administrator, or designee to continue the use of restraints, another interview shall occur no more than one (1) hour after the youth was placed in restraints. Each time the decision is made that it is unsafe to remove the restraints, the decision shall be documented as described above.

(6) Authorization Requirements:

(a) A youth may remain in mechanical restraints up to 60 minutes with the supervisor's or acting supervisor's authorization.

(b) In order to keep the youth in mechanical restraints for 60 to 120 minutes, the supervisor or acting supervisor shall obtain authorization from the Superintendent, Residential Program Director, Administrator, or designee who shall first consult with a licensed medical and/or mental health professional before authorizing additional time. This authorization shall be obtained within the initial 60-minute timeframe. This consultation and authorization shall be documented on the Mechanical Restraints Supervision Log by specifying the name of the professional who was consulted, the time contacted, and the amount of time authorized.

(c) In order to keep the youth in mechanical restraints beyond 120 minutes, the same procedures apply as described in paragraph (b) above for each subsequent 60-minute timeframe.

(7) If at any point during the restraint it is determined that transportation to an appropriate treatment center is necessary, the supervisor or acting supervisor shall request verbal authorization from the Superintendent, Residential Program Director, Administrator, or designee to initiate procedures to transport the youth. This verbal authorization and the time the authorization was received shall be documented on the Mechanical Restraints Supervision Log. The licensed medical or mental health professional may come to the facility or the youth may be transported to an appropriate treatment center.

(8) If a youth is being transported to a mental health facility, the facility shall be telephoned in advance that the youth is being transported.

Rulemaking Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055(2)(a) FS. History—New 11-19-06, Amended_____.

63H-1.010 Cross-Over Training.

(1) A PAR certified employee who crosses over from a program position to a facility position, or vice versa, shall successfully complete all objectives of the PAR certification curriculum applicable to his or her new position which are not duplicative of the PAR certification objectives previously completed by the employee. Such completion must occur within 90 calendar days following the employee's cross-over date.

(2) When a state-operated, county operated, or contracted facility hires a PAR certified facility employee who was trained under a different PAR Training Plan, a PAR Instructor shall train the employee, and evaluate the employee's performance on any techniques that the employee has not been trained to perform. The employee is not required to re-take the written PAR examination. The PAR Instructor shall use the PAR Performance Evaluation for facility employees. If the employee is unable to perform the new techniques, after remediation, the employee shall not be considered PAR certified for purpose of his or her employment in the new facility or program.

(3) When a PAR Performance Evaluation is completed for PAR certification or PAR Instructor certification, a copy shall be provided to the exam administrator at the written examination site. For PAR Train-the-Trainer courses, a copy of the PAR Instructor Skills Evaluation form shall also be provided to the exam administrator.

(a) If the PAR Performance Evaluation or PAR Instructor Skills Evaluation forms cannot be completed prior to the written examination, it shall be submitted to the Director Assistant Secretary of Staff Development and Training as soon as possible after completion.

(b) The PAR Performance Evaluation shall be submitted for everyone regardless of whether they passed or failed the evaluation or have a Medical Status form.

(4) Law Enforcement and county operated facility employees certified as Law Enforcement, Correctional, or Detention officers by CJSTC are governed by Rule 63H-1.016, F.A.C.

Rulemaking Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055(2)(b) FS. History--New 11-19-06, Amended _____.

63H-1.011 Rehired Employee Training.

(1) Employees who resign from their employment with the department, county, or contracted facility or program and are subsequently rehired shall have their PAR certification reinstated by successfully completing PAR training for facility or program employees, whichever is applicable. This subsection is applicable only if the employee has failed to timely and successfully complete the annual in-service training requirement addressed in this section prior to terminating employment.

(2) If an employee is rehired within 12 calendar months of termination and has successfully completed the annual in-service requirements, the employee's PAR Certification is current.

(3) If an employee is rehired after 12 calendar months but within 24 calendar months of termination, the employee must satisfy the following requirements:

(a) Attend a minimum of 8 hours of remedial training;

(b) Obtain 100% satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation; and

(c) Obtain a minimum score of seventy-five percent (75%) on the PAR written exam.

(4) If an employee is rehired after 24 calendar months of termination, he or she is no longer considered certified and must complete all requirements as outlined in Rule 63H-1.009, F.A.C.

Rulemaking Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055(2)(b) FS. History--New 11-19-06, Amended 1-13-09, _____.

63H-1.013 Testing Requirements.

(1) If a candidate fails the PAR written examination, they are only required to attend the remedial classroom training.

(2) PAR Instructors shall conduct a practical examination utilizing the applicable PAR Performance Evaluation to evaluate a facility or program employee's ability to perform verbal intervention techniques and the physical intervention techniques and mechanical restraints that are specified on the PAR Training Plan.

(a) If a PAR Instructor candidate or facility or program employee fails the PAR Performance Evaluation, the PAR Instructor candidate or employee is considered to only have failed the performance evaluation, not the written evaluation. Therefore, when remedial training is provided, the PAR Instructor candidate or employee is only required to attend the performance-based segment of the training.

(b) Test candidates shall have no more than three (3) attempts to pass the written exam. Accommodations based upon the Americans with Disabilities Act will be made as necessary.

(c) Test candidates shall adhere to the following schedule for second and third attempts to pass the written exam:

1. The second attempt shall occur no less than 3 calendar days after and no more than 45 calendar days after the first attempt.

2. The third attempt shall occur no less than 21 calendar days after and no more than 45 calendar days after the second attempt.

(3) For annual in-service training, use of the PAR Performance Evaluation is not required.

(4) One PAR Performance Evaluation form shall be used for each attempt that a facility or program employee makes to pass the performance evaluation. The term, "attempt" is described below.

(a) ATTEMPT 1: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's first attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed

techniques after remediation, the employee shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 1 shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques.

(b) ATTEMPT 2: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's second attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 2 shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques.

(c) ATTEMPT 3: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's third attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee is considered to have failed his or her third attempt. An employee who fails four (4) or more techniques on Attempt 3 shall not have an opportunity to receive remediation and is considered to have failed his or her third attempt.

(5) Program employees shall be evaluated, using the PAR Performance Evaluation for Program employees, on all physical intervention techniques that are specified in the PAR Training Plan for Program employees.

(6) State-Operated facility employees, ~~Law Enforcement operated facility employees~~, and contracted detention facility employee shall be evaluated, using the PAR Performance Evaluation for State Operated facility employees/Law Enforcement operated employees/Contracted Detention Facility employees, on various physical intervention techniques specified on the PAR Training Plan for State-Operated facility employees/Contracted Detention Facility employees, using the following guidelines:

- (a) All Stance and Body Movement techniques;
- (b) All Countermoves;
- (c) The Straight Arm Escort – Extended and Close Positions;
- (d) Three (3) Control techniques, as selected by the employee;
- (e) Three (3) Takedown techniques, as selected by the employee;
- (f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include front handcuffing and uncuffing, one (1) rear handcuffing and

uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and

(g) Searches.

(7) Contracted and county operated facility employees shall be evaluated using the PAR Performance Evaluation for Contracted Facility employees, on various physical intervention techniques specified on the employee's PAR Training Plan for Contracted Facility employees, using the following guidelines:

- (a) All Stance and Body Movement techniques;
- (b) All Countermoves;
- (c) One (1) Touch technique, as selected by the employee;
- (d) Three (3) Control techniques, as selected by the employee;
- (e) Three (3) Takedown techniques, as selected by the employee;
- (f) Three (3) Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include one (1) front handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and
- (g) Searches.

Rulemaking Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055(2)(b) FS. History–New 11-19-06, Amended

63H-1.014 Training Instructor Qualifications.

(1) PAR Instructor Candidate requirements:

- (a) One year of experience, working full time, in juvenile justice, criminal justice, or juvenile social services;
- (b) Facility PAR certification;
- (c) Successful completion of the CJSTC Instructor Techniques ~~Workshop~~ 80-hour course; and
- (d) Successful completion of the PAR Train-the-Trainer 80-hour course conducted by a Master PAR Instructor. An instructor candidate shall be allowed to attend a PAR Train-the-Trainer course only if he or she has achieved the requirements in paragraphs (a), (b), and (c).

(e) PAR Instructor candidates shall demonstrate proficiency for all physical intervention techniques and mechanical restraints listed on the PAR Instructor Performance Evaluation form. In addition, the Instructor candidate must demonstrate the ability to verbally communicate how the techniques are to be performed. The demonstration shall be evaluated by one Master PAR Instructor and one PAR Instructor.

(f) Satisfactory demonstration of presentation skills using the PAR Instructor Skills Evaluation Report. The PAR Instructor Skills Evaluation Report (ADSD-011, revised

6/01/2006) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation.pdf).

(2) A score of 85 percent or higher on the PAR written examination. The instructor candidate shall have two attempts to pass the examination.

(3) One PAR Performance Evaluation for PAR Instructors form shall be used for each attempt that the instructor candidate makes to pass the performance evaluation. The instructor candidate shall have two attempts to pass the evaluation.

(a) If remediation is required, the Master PAR Instructor shall have the discretion to determine whether remediation will be conducted on-site or at a future date. If remediation occurs at a future date, the instructor candidate shall be evaluated, at the second attempt, on all techniques initially evaluated.

(b) If the instructor candidate fails the second attempt, he or she shall not be certified as a PAR Instructor. However, this candidate is eligible to attend the PAR Train-the-Trainer course again, provided all other criteria for becoming a PAR Instructor remain current.

(4) Demonstrations of the physical intervention techniques and presentation skills shall be videotaped. The videotapes shall be submitted to the Director of Assistant Secretary for Staff Development and Training within thirty (30) working days after completion of the evaluations.

Rulemaking Authority 985.64, 985.645 FS. Law Implemented 985.645(2)(c) FS. History—New 11-19-06, Amended 8-4-09_____.

63H-1.016 Law Enforcement and County Operated Facilities Operations and Partnerships.

(1) All Law Enforcement/Correction/Detention employees must complete, at a minimum, the following training requirements within 90 calendar days of either the employee's hire date or the effective date of this rule, whichever is later:

(a) Direct care employees who are certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to successfully complete PAR crossover training for law enforcement personnel. Successful completion requires:

1. Attendance and participation in a minimum of twenty (20) hours of PAR Training.
2. A minimum score of seventy-five percent (75%) on the written examination.
3. One hundred percent (100%) satisfactory performance on the techniques specified on the applicable PAR Performance Evaluation form.

(b) Direct care employees who are not certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to be certified in PAR.

(2) CJSTC certified employees and non-CJSTC certified employees shall adhere to the annual training requirements set forth in Rule 63H-1.012, F.A.C., for facility employees.

(3) All Law Enforcement and county operated facilities or programs shall submit a PAR Training Plan in accordance with Rule 63H-1.004, F.A.C.

(4) Facilities or programs that are required to have PAR certified employees must certify employees within the timeframes set forth herein.

Rulemaking Specific Authority 985.405, 985.4055 FS. Law Implemented 985.4055(2)(d) FS. History—New 11-19-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McCaffrey, Director of Staff Development and Training

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Peterman, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2010

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

RULE NOS.:	RULE TITLES:
63H-2.001	Purpose and Scope
63H-2.002	Definitions
63H-2.0075	County Operated Detention
63H-2.008	Instructor Qualifications

PURPOSE AND EFFECT: Amendments to the rule chapter governing training of direct care staff are necessary to accommodate county operation of detention centers.

SUMMARY: References to state operated and contracted facilities and programs are amended to accommodate county operation of detention centers. A rule section is added to govern training of county operated detention center staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 20.316(1), 985.601(8) FS.

LAW IMPLEMENTED: 985.601(8) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, December 13, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63H-2.001 Purpose and Scope.

(1) This rule establishes a statewide framework for the department to implement procedures governing the certification, pre-service, and in-service training of direct care staff. The provisions of this rule are applicable to all direct care staff, as defined in this rule, within all state and contracted department programs, facilities, ~~and~~ and probation units, and county operated detention centers.

(2) The need exists to establish training requirements in order to: (1) ensure that all direct care staff are performing at a minimum standardized level of competency; (2) maintain a safe and secure environment for staff and youth; (3) enhance treatment program effectiveness; and (4) provide greater protection to the public through an improved level of services to youth.

Rulemaking Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History–New 6-11-07, Amended _____.

63H-2.002 Definitions.

(1) Academy – A department approved training site where Phase II certification training occurs.

(2) Administrator – One whose primary responsibility is overseeing the daily operations of a facility, program or judicial circuit.

(3) Certification – A process indicating that an individual has fulfilled a minimum standard level of competency in a profession and authorizes the individual to practice in the profession.

(4) Certified Staff – Direct care staff in facilities/units who have completed the certification requirements set forth in Rules 63H-2.005, 63H-2.006 and 63H-2.007, F.A.C.

(5) Daily Observation Report (DOR) – The document used to formally evaluate and provide feedback on the newly hired staff's performance and knowledge to ensure the staff has achieved or exceeded satisfactory performance.

(6) Department – Florida Department of Juvenile Justice.

(7) Detention Staff – State or contracted direct care staff assigned to work at a detention facility.

(8) Direct Care Staff – Having direct contact with youth for the purpose of providing care, supervision, custody, or control in a detention facility, probation unit, day treatment

program or commitment program within any restrictiveness level, operated by the department or by a provider under contract with the department.

(9) Field Training Officer (FTO) – Refers to an employee who has successfully completed the Field Training Officer course.

(10) In-Service Training – The on-going training that employees are required to receive in all but the first year of their employment. Such training must be documented and relevant to the employee's job responsibilities as set out in this rule.

(11) ITW – The 80-hour Instructor Techniques Workshop.

(12) Non-Residential Staff – State or contracted direct care staff assigned to work in a non-residential environment, including probation and day treatment programs.

(13) On the job training – Training on specific skills based on pre-service/Phase I topics that is conducted by an FTO and/or administrative staff.

(14) Protective Action Response (PAR) – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with the PAR Rule (Chapter 63H-1, F.A.C.), the PAR Escalation Matrix, and PAR training curricula.

(15) PAR Certification – This applies to an employee who has successfully completed PAR training as described in Chapter 63H-1, F.A.C. Only employees who are PAR trained are authorized to use PAR. The status attained upon successful completion of PAR training pursuant to Chapter 63H-1, F.A.C.

(16) Phase I Training – The initial portion of the certification training process, applicable to state direct care staff, which ~~that~~ is conducted at the workplace.

(17) Phase II Training – A part of the certification training process, applicable to state direct care staff, which ~~that~~ is conducted at an academy.

(18) Pre-Service Training – The initial training for newly hired contracted or county operated direct care staff that is conducted after hire but before they become direct care staff.

(19) Residential Staff – State or contracted direct care staff assigned to work at a residential facility.

(20) Returning Staff – These are trained/certified staff who have separated from employment and are re-hired into the same position type.

(21) Staff Development and Training – The branch of the department responsible for the creation, implementation, and maintenance of training and evaluation materials.

Rulemaking Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History–New 6-11-07, Amended _____.

63H-2.0075 County Operated Detention.

(1) Pre-service training requirements are as follows:

(a) Staff must complete all training within 180 days of being hired. However, pursuant to subsection 63H-1.016(1), F.A.C., PAR training must be completed within 90 days of the employee's date of hire or, for existing staff, within 90 days of assignment to a county-operated detention center.

(b) Staff must complete a minimum of 120 hours of pre-service training (computer-based and/or instructor-led) to include the following:

1. PAR training as required by Rule Chapter 63H-1, F.A.C.;

2. CPR/First Aid;

3. Professionalism and ethics, including standards of conduct;

4. Suicide prevention;

5. Emergency procedures;

6. Mission/Program philosophy/ Program culture;

7. Adolescent behavior specific to the population served;

8. Confidentiality/HIPAA requirements;

9. Infection control/Blood borne pathogens;

10. Gang awareness;

11. Safety, security, and supervision, including incident reporting;

12. Human Diversity;

13. Behavior management;

14. DJJ: The organization;

15. Mental health and substance abuse services;

16. Sexual harassment;

17. Communication skills;

18. Child abuse reporting.

(c) All county operated detention facilities/programs will submit, in writing, a list of all pre-service training to Staff Development and Training that includes course names, descriptions, objectives, and training hours for any training based on the above topics.

(d) Staff must complete all of the on the job training associated with the above topics.

(2) County operated detention employees are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

(a) PAR trained;

(b) CPR/First Aid certified;

(c) Professionalism and ethics, including standards of conduct;

(d) Suicide prevention;

(e) Emergency procedures.

(f) Child abuse reporting.

(3) Upon request by a county operated detention administrator, the Director of Staff Development and Training will grant a 90-day extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member;

(b) Serious chronic condition, illness or injury;

(c) Immediate family crisis;

(d) Court appearance;

(e) Military duty;

(f) Family medical leave;

(g) Other emergency circumstances.

(4) Testing requirements for pre-service training are as follows:

(a) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.

(b) Successful completion of all written and practical requirements for CPR/First Aid training.

(c) A passing score on any other applicable courses based on subparagraph 63H-2.0075(1)(b)1.-18., F.A.C.

(5) County operated detention staff must complete 24 hours of annual in-service training beginning the calendar year after the staff has completed pre-service training.

(6) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.);

(b) CPR;

(c) First aid, unless the specific certification is good for more than one year, in which case training is only necessary as required by certification;

(d) Professionalism and ethics;

(e) Suicide prevention.

(7) All county operated detention facilities/programs will submit to Staff Development and Training a written list of in-service training that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(8) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills or fiscal training each year.

(9) Returning staff who return less than one year from separation shall complete the following:

(a) PAR update consisting of a minimum of 8 hours training (Chapter 63H-1, F.A.C.)

(b) CPR/First Aid certification (if not current).

(c) Overview of facility/program operating procedures.

(10) Returning staff who return more than one year from separation shall complete all requirements set forth in Rule 63H-2.0075, F.A.C., as they are no longer considered trained.

(11) County operated detention staff who cross over from non-residential to residential shall complete all training requirements set forth in Rule 63H-2.0075, F.A.C.

(12) Procedures for documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the Department's computer-based tracking system or a county operated tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Rulemaking Authority 20.316(1), 985.601(8) FS. Law Implemented 985.601(8) FS. History--New _____.

63H-2.008 Instructor Qualifications.

(1) Only certified PAR instructors (see Chapter 63H-1.014, F.A.C. for PAR instructor requirements) shall conduct PAR training.

(2) Only certified CPR/First aid/AED instructors shall conduct CPR/First aid/AED training.

(3) All instructors must have successfully completed the Criminal Justice Standards and Training Commission Instructor Techniques 80-hour Instructor Techniques Workshop course, however, the following exceptions apply:

(a) FTOs and administrative staff who provide administrative, orientation, and/or Phase One training, with the exception of PAR, are not required to be ITW certified.

(b) Any instructor who is not ITW certified, must submit for approval a completed Instructor Exemption form to the Director Assistant Secretary of Staff Development and Training through their respective facility/program administrator. The Instructor Exemption form (ADSD-20, effective 12/15/2006) is incorporated by reference, and is available through Staff Development and Training, 2737 Centerview Dr., Tallahassee, FL 32399.

Rulemaking Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New 6-11-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael McCaffrey, Director of Staff Development and Training

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Peterman, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.010
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are necessary to update the disciplinary guidelines for violations and penalties relating to practice by anesthesiologist assistants. SUMMARY: The proposed rule amendments set forth additional violations and penalties for anesthesiologist assistants and update the current disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.079, 458.309, 458.331(4), 459.005, 459.023 FS.

LAW IMPLEMENTED: 456.072, 456.079, 458.331(4), 458.3475, 459.005, 459.023 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-31.010 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 456.072, F.S., the Boards provide within this rule disciplinary guidelines which shall be imposed upon anesthesiologist assistant applicants or licensees whom it regulates under Chapters 458 and 459, F.S. The purpose of this rule is to notify such applicants and licensees of the ranges of penalties which will routinely be imposed unless the Boards find it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; for multiple counts of the violated provisions or a combination of the violations the Boards shall consider a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between, including continuing medical education (CME). The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon anesthesiologist assistant applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The

verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS

(a) Attempting to obtain a license by bribery, fraud or through an error of the Department or the Board.

(Section 456.072(1)(h), F.S.);

(Section 458.331(1)(a), F.S.)

1. Attempting to obtain an initial license by bribery or fraud.

2. Attempting to renew

a license by bribery or fraud.

3. Obtaining or renewing a license by bribery or fraud.

4. Obtaining or renewing a license through error of the Department of the Board.

(b) Action taken against license by another jurisdiction.

(Section 456.072(1)(f), F.S.);

(Section 458.331(1)(b), F.S.)

1. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts in excess of \$5,000.00.

2. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts of \$5,000.00 or less.

(c) Guilty of crime directly relating to practice or ability to practice.

(Section 456.072(1)(c), F.S.);

(Section 458.331(1)(c), F.S.)

RECOMMENDED PENALTIES

First Offense

~~(a) From suspension of license or certificate to revocation, with ability to reapply, or denial of licensure.~~

1. Denial of application and a \$10,000.00 fine.

2. Revocation of the license and payment of a \$5,000.00 fine to revocation and a \$10,000 fine.

3. Revocation of the license and payment of a \$5,000.00 fine to revocation and a \$10,000 fine.

4. Revocation.

(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to reprimand through suspension and/or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and an administrative fine ranging from \$1,000.00 to \$2,500.00.

1. Revocation ~~From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.~~

2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, 100 hours of community service, and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.

(c) From reprimand to revocation or denial of license, ~~and~~ an administrative fine of \$1,000.00 to \$5,000.00, and 50 to 100 hours of community service.

Subsequent Offenses

~~(a) From denial of license to revocation of license with ability to reapply in not less than three years and a fine up to \$5,000.00 to denial of license without ability to reapply.~~

2. Revocation and a \$10,000.00 fine.

3. Revocation and a \$10,000.00 fine.

4. Revocation.

(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension and revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and an administrative fine ranging from \$2,500.00 to \$5,000.00.

1. From ~~permanent~~ revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.

2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, 200 hours of community service, and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.

(c) From probation to revocation or denial of the license, ~~and~~ an administrative fine of \$2,500.00 to \$5,000.00, and from 100 to 200 hours of community service.

- | | | |
|---|---|--|
| <p>1. Involving a crime directly related to healthcare fraud in dollar amounts in excess of \$5,000.00.</p> | <p>1. Revocation From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> | <p>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> |
| <p>2. Involving a crime directly related to healthcare fraud in dollar amounts of \$5,000.00 or less.</p> | <p>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, <u>100 hours of community service</u>, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.</p> | <p>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, <u>200 hours of community service</u>, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.</p> |
| <p>(d) False, deceptive, or misleading advertising.
(Section 458.331(1)(d), F.S.)</p> | <p>(d) From a letter of concern to reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00, <u>and 50 to 100 hours of community service</u>.</p> | <p>(d) From a letter of concern to reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00, <u>and 100 to 200 hours of community service</u>.</p> |
| <p>(e) Failure to report another licensee in violation.
(Section 456.072(1)(i), F.S.);
(Section 458.331(1)(e), F.S.)</p> | <p>(e) From a letter of concern to probation, and an administrative fine ranging from \$1,000.00 to \$2,500.00, <u>and 25 to 50 hours of community service</u>, or denial of licensure.</p> | <p>(e) From reprimand to suspension or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00, <u>and 50 to 100 hours of community service</u>.</p> |
| <p>(f) Aiding unlicensed practice.
(Section 456.072(1)(j), F.S.);
(Section 458.331(1)(f), F.S.)</p> | <p>(f) From reprimand to suspension, followed by probation, or denial of licensure, <u>25 to 50 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(f) From probation to revocation or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(g) Failure to perform legal obligation.
(Section 456.072(1)(k), F.S.);
(Section 458.331(1)(g), F.S.)</p> | <p>(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial of licensure, <u>50 hours of community service</u> and an administrative fine from \$1,000.00 to \$5,000.00.</p> | <p>(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial, <u>from 50 to 100 hours of community service</u> and an administrative fine from \$2,500.00 to \$5,000.00.</p> |
| <p>1. Continuing medical education (CME) violations.
(Section 456.033(9), F.S.);
(Section 456.072(1)(e), F.S.);
(Section 456.072(1)(s), F.S.)</p> | <p>1. Document compliance with the CME requirements for the relevant period;
AND:</p> | <p>1. Document compliance with the CME requirements for the relevant period;
AND:</p> |
| <p>a. through b. No change.</p> | | |
| <p>(h) Filing a false report or failing to file a report as required.
(Section 456.072(1)(l), F.S.);
(Section 458.331(1)(h), F.S.)</p> | <p>(h) From a letter of concern to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(h) From probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>1. Involving healthcare fraud in dollar amounts in excess of \$5,000.00.</p> | <p>1. Revocation From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> | <p>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> |

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| <p>2. Involving healthcare fraud in dollar amounts of \$5,000.00 or less.</p> | <p>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, <u>50 to 100 hours of community service</u>, and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.</p> | <p>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, <u>100 to 200 hours of community service</u> and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.</p> |
| <p>(i) Kickbacks or split fee arrangements. (Section 458.331(1)(i), F.S.)</p> | <p>(i) A refund of fees paid by or on behalf of the patient, <u>25 to 50 hours of community service</u> and from a reprimand and an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$5,000.00, or denial of licensure.</p> | <p>(i) A refund of fees paid by or on behalf of the patient, <u>50 to 100 hours of community service</u> and from suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(j) Sexual misconduct. (Section 456.072(1)(u), F.S.); (Section 458.329, F.S.); (Section 458.331(1)(j), F.S.)</p> | <p>(j) From probation to revocation, or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(j) From suspension, <u>to be followed by a period of probation</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(k) Deceptive, untrue, or fraudulent representations in the practice of medicine. (Sections 456.072(1)(a), (m), F.S.); (Section 458.331(1)(k), F.S.)</p> <p>1. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts in excess of \$5,000.00.</p> | <p>(k) From a letter of concern, <u>and 25 to 50 hours of community service</u> to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> <p>1. Revocation From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> | <p>(k) From probation or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00 to revocation.</p> <p>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> |
| <p>2. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts of \$5,000.00 or less.</p> | <p>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, <u>50 to 100 hours of community service</u>, and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.</p> | <p>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, <u>100 to 200 hours of community service</u>, and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.</p> |
| <p>(l) Improper solicitation of patients. (Section 458.331(1)(l), F.S.)</p> | <p>(l) From an administrative fine ranging from \$1,000.00 to \$5,000.00, <u>25 to 50 hours of community service</u>, and a reprimand to probation, or denial of licensure.</p> | <p>(l) From suspension, <u>to be followed by a period of probation, 50 to 100 hours of community service</u> to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.</p> |
| <p>(m) Failure to keep legible written medical records. (Section 458.331(1)(m), F.S.)</p> | <p>(m) From a letter of concern, <u>25 to 50 hours of community service</u> to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(m) From a reprimand to suspension followed by probation, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.</p> |
| <p>1. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts in excess of \$5,000.00.</p> | <p>1. Revocation From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> | <p>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> |

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| <p>2. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts of \$5,000.00 or less.</p> <p>(n) Exercising influence on patient for financial gain.
(Section 456.072(1)(n), F.S.);
(Section 458.331(1)(n), F.S.)</p> <p>(o) Performing professional services not authorized by patient.
(Section 458.331(1)(p), F.S.)</p> <p>(p) Inability to practice medicine with skill and safety.
(Section 456.072(y), F.S.);
(Section 458.331(1)(s), F.S.)</p> <p>(q)1. Malpractice: practicing below acceptable standard of care.
(Section 458.331(1)(t), F.S.)</p> <p>2. Gross Malpractice.</p> <p>3. No change.</p> <p>(r) Performing of experimental treatment without informed consent.
(Section 458.331(1)(u), F.S.)</p> <p>(s) No change.</p> <p>(t) Delegation of professional responsibilities to unqualified person.
(Section 456.072(1)(p), F.S.);
(Section 458.331(1)(w), F.S.)</p> <p>(u)1. No change.</p> | <p>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand, <u>50 to 100 hours of community service to through</u> suspension of the license, or in the case of application for licensure, denial of licensure.</p> <p>(n) Payment of fees paid by or on behalf of the patient and from a reprimand, <u>25 to 50 hours of community service</u> to probation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(o) From a letter of concern to revocation, or denial of licensure, <u>25 to 50 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> <p>(p) From reprimand to suspension, which may be stayed to allow a period of probation with supervision, and a demonstration by the licensee of the ability to practice with reasonable skill and safety, or denial of licensure, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> <p>(q)1. From a letter of concern, <u>25 to 50 hours of community service</u> to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> <p>2. From probation, <u>25 to 50 hours of community service</u> to revocation or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> <p>(r) From a letter of concern to suspension <u>to be followed by a period of probation</u>, or denial of licensure, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> <p>(t) From reprimand to suspension, followed by probation, <u>25 to 50 hours of community service</u>, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation, <u>100 to 200 hours of community service</u> to revocation, or in the case of application for licensure, denial of licensure.</p> <p>(n) Payment of fees paid by or on behalf of the patient and from probation, <u>50 to 100 hours of community service</u>, to revocation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(o) From a reprimand, <u>50 to 100 hours of community service</u> to revocation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(p) From probation to revocation, until the licensee is able to demonstrate ability to practice with reasonable skill and safety, followed by probation, or denial of licensure, <u>50 to 100 hours of community service</u> and an administrative fine from \$2,500.00 to \$5,000.00.</p> <p>(q)1. From reprimand, <u>50 to 100 hours of community service</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>2. From suspension followed by probation to revocation or denial, <u>50 to 100 hours of community service</u> and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(r) From suspension <u>to be followed by a period of probation</u>, <u>50 to 100 hours of community service</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(t) From probation, <u>50 to 100 hours of community service</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
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| <p>2. Violation of an order of the Board.</p> <p>(v) Conspiring to restrict another from lawfully advertising services.
(Section 458.331(1)(y), F.S.)</p> <p>(w) Aiding an unlawful abortion.
(Section 458.331(1)(z), F.S.)</p> <p>(x) Failure to adequately supervise assisting personnel.
(Section 458.331(1)(dd), F.S.)</p> <p>(y) Improper use of substances for muscle building or enhancement of athletic performance.
(Section 458.331(1)(ee), F.S.)</p> <p>(z) Use of amygdaline (laetrile).
(Section 458.331(1)(ff), F.S.)</p> <p>(aa) Misrepresenting or concealing a material fact.
(Section 458.331(1)(gg), F.S.)</p> <p>(bb) Improperly interfering with an investigation or a disciplinary proceeding.
(Section 456.072(1)(r), F.S.);
(Section 458.331(1)(hh), F.S.)</p> <p>(cc) Failing to report any licensee who is in violation of law.
(Section 456.072(1)(i), F.S.);
(Section 458.331(1)(ii), F.S.)</p> <p>(dd) Providing medical opinion without reasonable investigation.
(Section 458.331(1)(jj), F.S.)</p> | <p>2. From a <u>reprimand, 25 to 50 hours of community service</u> letter of concern and an administrative fine of \$1,000.00 to a <u>reprimand, 100 hours of community service, letter of concern</u> and an administrative fine of \$5,000.00.</p> <p>(v) From a letter of concern to a <u>reprimand, 25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> <p>(w) From probation, <u>25 to 50 hours of community service</u> to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> <p>(x) From a reprimand to probation, or denial of licensure, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> <p>(y) From a reprimand to suspension, or denial of licensure, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> <p>(z) From a reprimand to probation, or denial of licensure, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> <p>(aa) From a reprimand to probation, and an administrative fine ranging from \$500.00 to \$2,500.00, <u>25 to 50 hours of community service</u> or the denial of licensure with the ability to reapply, upon payment of a \$500.00 fine.</p> <p>(bb) From a reprimand to probation, <u>25 to 50 hours of community service</u> or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> <p>(cc) From a letter of concern to probation, or denial of licensure, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> <p>(dd) From a letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>2. From a reprimand, <u>100 hours of community service</u> and an administrative fine of \$2,500.00 to a reprimand, <u>200 hours of community service</u> and an administrative fine of \$5,000.00 and probation.</p> <p>(v) From a reprimand, <u>50 to 100 hours of community service</u> and an administrative fine of \$2,500.00 to a reprimand and an administrative fine of \$5,000.00.</p> <p>(w) From suspension, <u>to be followed by a period of probation, 50 to 100 hours of community service,</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(x) From probation to suspension followed by probation, or denial of licensure, <u>50 to 100 hours of community service</u> and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(y) From suspension <u>to be followed by a period of probation</u> to revocation or denial of licensure, <u>50 to 100 hours of community service</u> and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(z) From suspension <u>to be followed by a period of probation</u> to revocation or denial of licensure, <u>50 to 100 hours of community service</u> and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(aa) From probation, <u>50 to 100 hours of community service</u> to revocation or denial of licensure without the ability to reapply, and an administrative fine ranging from \$500.00 to \$5,000.00.</p> <p>(bb) From probation, <u>50 to 100 hours of community service</u> to revocation or denial of licensure without ability to reapply, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(cc) From probation to revocation or denial of licensure, <u>50 to 100 hours of community service</u> and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> <p>(dd) From probation to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.</p> |
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- (ee) Theft or reproduction of an examination.
(Section 456.018, F.S.)
- (ff) through (jj) No change.
- (kk) Performing health care services on the wrong patient, wrong site, wrong procedure.
(Section 456.072(1)(aa), F.S.)
- (ll) Leaving a foreign body in a patient.
(Section 456.072(1)(bb), F.S.)
- (mm) through (nn) No change.
- (oo) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients.
(456.072(1)(gg), F.S.)
- (pp) Being terminated from a treatment program for impaired practitioners, for failure to comply with the terms of the monitoring or treatment contract or for not successfully completing any drug-treatment or alcohol-treatment program.
(456.072(1)(hh), F.S.)
- (qq) Being convicted of, or entering a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program.
(456.072(1)(ii), F.S.)
- (rr) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement.
(456.072(1)(jj), F.S.)
- ~~(ee) Revocation Suspension—to revocation, or denial of licensure without an ability to reapply.~~
- ~~(kk) From a letter of concern, 50 to 100 hours of community service, a minimum of five (5) hours of risk management education, and one (1) hour lecture on wrong-site surgery in the State of Florida, and a \$1,000 fine to a \$2,500.00 fine to a reprimand and probation suspension and an administrative fine ranging from \$1,000.00 to \$2,500.00.~~
- ~~(ll) From a \$1,000.00 to a \$5,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, 50 to 100 hours of community service, and a one hour lecture to the staff of a Florida licensed healthcare facility on retained foreign body objects to revocation From a letter of concern to probation and an administrative fine ranging from \$1,000.00 to \$2,500.00.~~
- ~~(oo) From reprimand to probation, 25 to 50 hours of community service and an administrative fine ranging from \$1,000.00 to \$5,000.00, or denial of licensure.~~
- ~~(pp) From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract, and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$1,000 to \$2,500, to revocation.~~
- ~~(qq) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.~~
- ~~(rr) From a letter of concern to probation, and a fine of \$500 to \$5,000.~~
- ~~(ee) Revocation or denial of licensure without ability to reapply.~~
- (kk) From a reprimand and probation to revocation and an administrative fine from \$2,500.00 to \$5,000.00.
- (ll) From a \$7,500.00 fine, a reprimand and probation, 100 to 200 hours of community service, or denial to revocation From a reprimand to suspension and an administrative fine ranging from \$1,000.00 to \$2,500.00.
- (oo) From probation, 50 to 100 hours of community service to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
- (pp) From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$2,500 to \$5,000, to revocation.
- (rr) From a reprimand to revocation, and a fine of \$2,500 to \$5,000.

(ss) Being terminated for cause from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program.

(456.072(1)(kk), F.S.)

(tt) Being convicted of, or entering into a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, which relates to health care fraud.

(456.072(1)(ll), F.S.)

(3) through (4) No change.

Rulemaking Specific Authority 456.079, 458.309, 458.331(4), 459.005, 459.023 FS. Law Implemented 456.072, 456.079, 458.331(4), 458.3475, 459.005, 459.023 FS. History--New 11-13-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesiologist Assistant Committee
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE NO.: 64B15-7.010
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are necessary to update the disciplinary guidelines for violations and penalties relating to practice by anesthesiologist assistants.
SUMMARY: The proposed rule amendments set forth additional violations and penalties for anesthesiologist assistants and update the current disciplinary guidelines.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.079, 459.005, 459.015(5), 459.023 FS.
LAW IMPLEMENTED: 456.072, 456.079, 459.015(5), 459.023 FS.

(ss) From a letter of concern to suspension, and a fine of \$1,000 to \$5,000.

(tt) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

(ss) From a reprimand to revocation, and a fine of \$5,000 to \$10,000.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-7.010 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 456.072, F.S., the Boards provide within this rule disciplinary guidelines which shall be imposed upon anesthesiologist assistant applicants or licensees whom it regulates under Chapters 458 and 459, F.S. The purpose of this rule is to notify such applicants and licensees of the ranges of penalties which will routinely be imposed unless the Boards find it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; for multiple counts of the violated provisions or a combination of the violations the Boards shall consider a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between, including continuing medical education (CME). The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon anesthesiologist assistant applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS

(a) Attempting to obtain a license by bribery, fraud or through an error of the Department or the Board.

(Section 456.072(1)(h), F.S.);

(Section 459.015(1)(a), F.S.)

1. Attempting to obtain an initial license by bribery or fraud.

2. Attempting to renew a license by bribery or fraud.

3. Obtaining or renewing a license by bribery or fraud.

4. Obtaining or renewing a license through error of the Department of the Board.

(b) Action taken against license by another jurisdiction.

(Section 456.072(1)(f), F.S.);

(Section 459.015(1)(b), F.S.)

1. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts in excess of \$5,000.00.

2. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts of \$5,000.00 or less.

(c) Guilty of crime directly relating to practice or ability to practice.

(Section 456.072(1)(c), F.S.)

(Section 459.015(1)(c), F.S.)

1. Involving a crime directly related to healthcare fraud in dollar amounts in excess of \$5,000.00.

RECOMMENDED PENALTIES

First Offense

~~(a) From suspension of license or certificate to revocation, with ability to reapply, or denial of licensure.~~

1. Denial of application and a \$10,000.00 fine.

2. Revocation of the license and payment of a \$5,000.00 fine to revocation and a \$10,000 fine.

3. Revocation of the license and payment of a \$5,000.00 fine to revocation and a \$10,000 fine.

4. Revocation.

(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to reprimand through suspension and/or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and an administrative fine ranging from \$1,000.00 to \$2,500.00

~~1. Revocation From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.~~

~~2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, 100 hours of community service, and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.~~

(c) From reprimand to revocation or denial of license, ~~and~~ an administrative fine of \$1,000.00 to \$5,000.00, and 50 to 100 hours of community service.

~~1. Revocation From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.~~

Subsequent Offenses

~~(a) From denial of license to revocation of license with ability to reapply in not less than three years and a fine up to \$5,000.00 to denial of license without ability to reapply.~~

2. Revocation and a \$10,000.00 fine.

3. Revocation and a \$10,000.00 fine.

4. Revocation.

(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension and revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and an administrative fine ranging from \$2,500.00 to \$5,000.00.

~~1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.~~

~~2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, 200 hours of community service, and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.~~

(c) From probation to revocation or denial of the license, ~~and~~ an administrative fine of \$2,500.00 to \$5,000.00, and from 100 to 200 hours of community service.

~~1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.~~

2. Involving a crime directly related to healthcare fraud in dollar amounts of \$5,000.00 or less.

(d) False, deceptive, or misleading advertising.
(Section 459.015(1)(d), F.S.)

(e) Failure to report another licensee in violation.
(Section 456.072(1)(i), F.S.);
(Section 459.015(1)(e), F.S.)

(f) Aiding unlicensed practice.
(Section 456.072(1)(j), F.S.);
(Section 459.015(1)(f), F.S.)

(g) Failure to perform legal obligation.
(Section 456.072(1)(k), F.S.);
(Section 459.015(1)(g), F.S.)

1. Continuing medical education (CME) violations.
(Section 456.033(9), F.S.)
(Section 456.072(1)(e), F.S.);
(Section 456.072(1)(s), F.S.)
a. through b. No change.

(h) Filing a false report or failing to file a report as required.
(Section 456.072(1)(l), F.S.);
(Section 459.015(1)(i), F.S.)

1. Involving healthcare fraud in dollar amounts in excess of \$5,000.00.

2. Involving healthcare fraud in dollar amounts of \$5,000.00 or less.

2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, 100 hours of community service, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.

(d) From a letter of concern to reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00, and 50 to 100 hours of community service.

(e) From a letter of concern to probation, ~~and~~ an administrative fine ranging from \$1,000.00 to \$2,500.00, and 25 to 50 hours of community service, or denial of licensure.

(f) From reprimand to suspension, followed by probation, or denial of licensure, 25 to 50 hours of community service, and an administrative fine ranging from \$1,000.00 to \$5,000.00.

(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial of licensure, 50 hours of community service and an administrative fine from \$1,000.00 to \$5,000.00.

1. Document compliance with the CME requirements for the relevant period; AND:

(h) From a letter of concern to revocation, or denial of licenser, and an administrative fine ranging from \$1,000.00 to \$5,000.00.

1. ~~Revocation From revocation with leave to reapply in three (3) years~~, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.

2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, 50 to 100 hours of community service, and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.

2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, 200 hours of community service, and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.

(d) From a letter of concern to reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00, and 100 to 200 hours of community service.

(e) From reprimand to suspension or denial of licensure, ~~and~~ an administrative fine from \$2,500.00 to \$5,000.00, and 50 to 100 hours of community service.

(f) From probation to revocation or denial of licensure, 50 to 100 hours of community service, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial, from 50 to 100 hours of community service and an administrative fine from \$2,500.00 to \$5,000.00.

1. Document compliance with the CME requirements for the relevant period; AND:

(h) From probation to revocation or denial of licenser, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

1. ~~From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.~~

2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, 100 to 200 hours of community service and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.

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| <p>(i) Kickbacks or split fee arrangements.
(Section 459.015(1)(j), F.S.)</p> | <p>(i) A refund of fees paid by or on behalf of the patient, <u>25 to 50 hours of community service</u> and from a reprimand and an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$5,000.00, or denial of licensure.</p> | <p>(i) A refund of fees paid by or on behalf of the patient, <u>25 to 50 hours of community service</u> and from suspension to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(j) Sexual Misconduct.
(Section 450.0141, F.S.);
(Section 456.072(1)(u), F.S.);
(Section 459.015(1)(l), F.S.)</p> | <p>(j) From probation to revocation, or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(j) From suspension, <u>to be followed by a period of probation</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(k) Deceptive, untrue, or fraudulent representations in the practice of medicine.
(Sections 456.072(1)(a), (m), F.S.);
(Section 459.015(1)(m), F.S.)</p> <p>1. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts in excess of \$5,000.00.</p> <p>2. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts of \$5,000.00 or less.</p> | <p>(k) From a letter of concern, <u>and 25 to 50 hours of community service</u> to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> <p>1. Revocation From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> <p>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, <u>50 to 100 hours of community service</u>, and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.</p> | <p>(k) From probation or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00 to revocation.</p> <p>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> <p>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, <u>100 to 200 hours of community service</u>, and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.</p> |
| <p>(l) Improper solicitation of patients.
(Section 459.015(1)(n), F.S.)</p> | <p>(l) From an administrative fine ranging from \$1,000.00 to \$5,000.00, <u>25 to 50 hours of community service</u>, and a reprimand to probation, or denial of licensure.</p> | <p>(l) From suspension, <u>to be followed by a period of probation, 50 to 100 hours of community service</u> to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.</p> |
| <p>(m) Failure to keep legible written medical records.
(Section 459.015(1)(o), F.S.)</p> <p>1. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts in excess of \$5,000.00.</p> <p>2. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts of \$5,000.00 or less.</p> | <p>(m) From letter of concern, <u>25 to 50 hours of community service</u> to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> <p>1. Revocation From revocation with leave to reapply in three (3) years, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> <p>2. From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand, <u>50 to 100 hours of community service to through</u> suspension of the license, or in the case of application for licensure, denial of licensure.</p> | <p>(m) From a reprimand to suspension followed by probation, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.</p> <p>1. From permanent revocation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or in the case of application for licensure, denial of licensure.</p> <p>2. From an administrative fine ranging from \$2,500.00 to \$5,000.00, and suspension of the license, followed by a period of probation, <u>100 to 200 hours of community service</u> to revocation, or in the case of application for licensure, denial of licensure.</p> |

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| <p>(n) Exercising influence on patient for financial gain.
(Section 456.072(1)(n), F.S.)
(Section 459.015(1)(q), F.S.)</p> | <p>(n) Payment of fees paid by or on behalf of the patient and from a reprimand, <u>25 to 50 hours of community service</u> to probation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> | <p>(n) Payment of fees paid by or on behalf of the patient and from probation, <u>50 to 100 hours of community service</u>, to revocation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(o) Performing professional services not authorized by patient.
(Section 459.015(1)(s), F.S.)</p> | <p>(o) From a letter of concern to revocation, or denial of licensure, <u>25 to 50 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(o) From a reprimand, <u>50 to 100 hours of community service</u> to revocation, or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(p) Inability to practice medicine with skill and safety.
(Section 456.072(1)(y), F.S.);
(Section 459.015(1)(w), F.S.)</p> | <p>(p) From reprimand to suspension, which may be stayed to allow a period of probation with supervision, and a demonstration by the licensee of the ability to practice with reasonable skill and safety, or denial of licensure, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>(p) From probation to revocation, until the licensee is able to demonstrate ability to practice with reasonable skill and safety, followed by probation, or denial of licensure, <u>50 to 100 hours of community service</u> and an administrative fine from \$2,500.00 to \$5,000.00.</p> |
| <p>(q)1. Malpractice: practicing below acceptable standard of care.
(Section 459.015(1)(x), F.S.)</p> | <p>(q)1. From a letter of concern, <u>25 to 50 hours of community service</u> to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(q)1. From reprimand, <u>50 to 100 hours of community service</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>2. Gross Malpractice.</p> | <p>2. From probation, <u>25 to 50 hours of community service</u> to revocation or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>2. From suspension followed by probation to revocation or denial, <u>50 to 100 hours of community service</u> and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>3. No change.</p> | <p>(r) From a letter of concern to suspension <u>to be followed by a period of probation</u>, or denial of licensure, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(r) From suspension <u>to be followed by a period of probation</u>, <u>50 to 100 hours of community service</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(s) No change.</p> | <p>(t) Delegation of professional responsibilities to unqualified person.
(Section 456.072(1)(p), F.S.);
(Section 459.015(1)(aa), F.S.)</p> | <p>(t) From probation, <u>50 to 100 hours of community service</u> to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(u)1. No change.</p> | <p>2. From a reprimand, <u>25 to 50 hours of community service</u> letter of concern and an administrative fine of \$1,000.00 to a reprimand, <u>100 hours of community service</u> letter of concern and an administrative fine of \$5,000.00.</p> | <p>2. From a reprimand, <u>100 hours of community service</u> and an administrative fine of \$2,500.00 to a reprimand, <u>200 hours of community service</u> and an administrative fine of \$5,000.00 and probation.</p> |
| <p>2. Violation of an order of the Board.</p> | <p>(v) From a letter of concern to a reprimand, <u>25 to 50 hours of community service</u> and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>(v) From a reprimand and an administrative fine of \$2,500.00 to a reprimand, <u>50 to 100 hours of community service</u> and an administrative fine of \$5,000.00.</p> |
| <p>(v) Conspiring to restrict another from lawfully advertising services.
(Section 459.015(1)(cc), F.S.)</p> | <p>(v) From a reprimand and an administrative fine of \$2,500.00 to a reprimand, <u>50 to 100 hours of community service</u> and an administrative fine of \$5,000.00.</p> | <p>(v) From a reprimand and an administrative fine of \$2,500.00 to a reprimand, <u>50 to 100 hours of community service</u> and an administrative fine of \$5,000.00.</p> |

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| <p>(w) Aiding an unlawful abortion.
(Section 459.015(1)(dd), F.S.)</p> | <p>(w) From probation, <u>25 to 50 hours of community service</u> to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(w) From suspension, <u>to be followed by a period of probation, 50 to 100 hours of community service</u>, to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(x) Failure to adequately supervise assisting personnel.
(Section 459.015(1)(hh), F.S.)</p> | <p>(x) From a reprimand to probation, or denial of licensure, <u>25 to 50 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>(x) From probation to suspension followed by probation, or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(y) Improper use of substances for muscle building or enhancement of athletic performance.
(Section 459.015(1)(ii), F.S.)</p> | <p>(y) From a reprimand to suspension, or denial of licensure, <u>25 to 50 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(y) From suspension <u>to be followed by a period of probation</u> to revocation or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(z) Use of amygdaline (laetrile).
(Section 458.331(1)(ff), F.S.)</p> | <p>(z) From a reprimand to probation, or denial of licensure, <u>25 to 50 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>(z) From suspension <u>to be followed by a period of probation</u> to revocation or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(aa) Misrepresenting or concealing a material fact.
(Section 459.015(1)(jj), F.S.)</p> | <p>(aa) From a reprimand to probation, and an administrative fine ranging from \$500.00 to \$2,500.00, <u>25 to 50 hours of community service</u> or the denial of licensure with the ability to reapply, upon payment of a \$500.00 fine.</p> | <p>(aa) From probation, <u>50 to 100 hours of community service</u> to revocation or denial of licensure without the ability to reapply, and an administrative fine ranging from \$500.00 to \$5,000.00.</p> |
| <p>(bb) Improperly interfering with an investigation or a disciplinary proceeding.
(Section 456.072(1)(r), F.S.);
(Section 459.015(1)(kk), F.S.)</p> | <p>(bb) From a reprimand to probation, <u>25 to 50 hours of community service</u> or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>(bb) From probation, <u>50 to 100 hours of community service</u> to revocation or denial of licensure without ability to reapply, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(cc) Failing to report any licensee who is in violation of law.
(Section 456.072(1)(i), F.S.);
(Section 459.015(1)(ll), F.S.)</p> | <p>(cc) From a letter of concern to probation, or denial of licensure, <u>25 to 50 hours of community service</u>, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>(cc) From probation to revocation or denial of licensure, <u>50 to 100 hours of community service</u>, and an administrative fine ranging from \$2,500.00 to \$5,000.00.</p> |
| <p>(dd) Providing medical opinion without reasonable investigation.
(Section 459.015(1)(mm), F.S.)</p> | <p>(dd) From a letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.</p> | <p>(dd) From probation to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.</p> |
| <p>(ee) Theft or reproduction of an examination.
(Section 456.018, F.S.)</p> | <p>(ee) Revocation Suspension to revocation, or denial of licensure without an ability to reapply.</p> | <p>(ee) Revocation or denial of licensure without ability to reapply.</p> |
| <p>(ff) through (jj) No change.</p> | | |

(kk) Performing health care services on the wrong patient, wrong site, wrong procedure.

(Section 456.072(1)(aa), F.S.)

(ll) Leaving a foreign body in a patient.

(Section 456.072(1)(bb), F.S.)

(mm) through (nn) No change.

(oo) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients.

(456.072(1)(gg), F.S.)

(pp) Being terminated from a treatment program for impaired practitioners, for failure to comply with the terms of the monitoring or treatment contract or for not successfully completing any drug-treatment or alcohol-treatment program.

(456.072(1)(hh), F.S.)

(qq) Being convicted of, or entering a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program.

(456.072(1)(ii), F.S.)

(rr) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement.

(456.072(1)(jj), F.S.)

(kk) From a letter of concern, 50 to 100 hours of community service, a minimum of five (5) hours of risk management education, and one (1) hour lecture on wrong-site surgery in the State of Florida, and a \$1,000 fine to a \$2,500.00 fine to a reprimand and probation to suspension and an administrative fine ranging from \$1,000.00 to \$2,500.00.

(ll) From a \$1,000.00 to a \$5,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, 50 to 100 hours of community service, and a one hour lecture to the staff of a Florida licensed healthcare facility on retained foreign body objects to revocation. From a letter of concern to probation and an administrative fine ranging from \$1,000.00 to \$2,500.00.

(oo) From reprimand to probation, 25 to 50 hours of community service and an administrative fine ranging from \$1,000.00 to \$5,000.00, or denial of licensure.

(pp) From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract, and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$1,000 to \$2,500, to revocation.

(qq) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

(rr) From a letter of concern to probation, and a fine of \$500 to \$5,000.

(kk) From a reprimand and probation to revocation and an administrative fine from \$2,500.00 to \$5,000.00.

(ll) From a \$7,500.00 fine, a reprimand and probation, 100 to 200 hours of community service, or denial to revocation. From a reprimand to suspension and an administrative fine ranging from \$1000.00 to \$2,500.00.

(oo) From probation, 50 to 100 hours of community service to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

(pp) From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$2,500 to \$5,000, to revocation.

(rr) From a reprimand to revocation, and a fine of \$2,500 to \$5,000.

(ss) Being terminated for cause from the state Medicaid program, or any other state Medicaid program, or the federal Medicare program.

(456.072(1)(kk), F.S.)

(tt) Being convicted of, or entering into a plea of guilty or nolo contendere to any misdemeanor or felony, regardless of adjudication, which relates to health care fraud.

(456.072(1)(ll), F.S.)

(3) through (4) No change.

Rulemaking Specific Authority 456.079, 459.005, 459.015(5), 459.023 FS. Law Implemented 456.072, 456.079, 459.015(5), 459.023 FS. History—New 11-13-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesiologist Assistant Committee
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.602 Community Release Programs
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 34, August 27, 2010 issue of the Florida Administrative Weekly.

33-601.602 Community Release Programs.

(1) Definitions.

(a) No change.

(b) Community Release Program – Any program that allows inmates to work at paid employment or a center work assignment or to participate in education, training, substance abuse treatment programs, or any other transitional program to

(ss) From a letter of concern to suspension, and a fine of \$1,000 to \$5,000.

(tt) Revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

(ss) From a reprimand to revocation, and a fine of \$5,000 to \$10,000.

facilitate re-entry into the community while in a work release center, contract community work release facility, or other contract community facility.

(c) through (g) No change.

(h) Non-advanceable date refers to an inmate's release date that is restricted from continuous, monthly gain time awards over the entire length of the sentence, including:

1. through 2. No change.

3. 100% minimum service requirements, such as the Prison Releasee Re-Offender Act located in Section 775.082, F.S. or Three-Time Violent Offender cases under Section 775.084, F.S.

(i) through (k) No change.

(l) Work Release Inmate Monitoring System (WRIMS) – A web site application used by contract community work release facility staff to record information related to an inmate's participation in a community release program CWR.

(2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

1. through 3. No change.

4. Been terminated from CWR, ~~a community-based residential substance abuse program~~, a CWA, or a transition program for disciplinary reasons during the inmate's current commitment;

5. Been committed to or incarcerated in a state or federal correctional facility four or more times ~~in any state or federal correctional facility~~;

6. through 9. No change.

(b) In order to be eligible for a community release program, an inmate must:

1. Be community custody in accordance with Rule 33-601.210, F.A.C., or have a recommendation for community custody currently under review;

2. Be in Department custody for 60 days prior to placement in paid employment;

3. For inmates with non-advanceable dates, the inmate must be within:

i. 28 months of his earliest ~~tentative~~ release date for the transition program, or

ii. 19 months of his earliest tentative release date ~~or presumptive parole release date for CWA or a community-based residential substance abuse program, or~~

iii. 14 months of his earliest tentative release date for CWR.

4. For inmates who do not have non-advanceable dates, the inmate must be within:

i. 36 months of his earliest tentative release date for the transition program, or

ii. 28 months of his earliest tentative release date for CWA ~~or a community-based residential substance abuse program, or~~

iii. 19 months of his earliest tentative release date for CWR.

5. through (3) No change.

(4) Inmate Conduct While on Community Release.

(a) through (c) No change.

(d) The ~~work release center~~ classification officer or designated contract facility staff shall complete Form DC6-118A, Personalized Program Plan for Work Release Centers, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (19) of this rule. The completed personalized program plan shall be signed by the inmate, the inmate's classification officer, and the correctional officer major or the designated contract facility staff and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (19) of this rule. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed monthly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Monthly Progress Review, or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed and given to the inmate. Form DC6-118C is incorporated by reference in subsection (19) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) No change.

(5) Community Study Release.

(a) In order to be considered for community study release, an inmate shall submit a request on Form DC6-126, Inmate Request, to his classification officer, who shall forward the request to the SCO. After submitting the request, an inmate shall be considered for participation in the community study release program providing:

1. No change.

2. The conditions regarding financial assistance, placement, time constraints, and aptitude are satisfied; and

~~3. If there are detainers filed against the inmate, he is ineligible for community study release if the detaining authority has objected to the inmate's participation in the community study release program in writing; and~~

~~3.4.~~ The inmate has not been convicted of any murder, manslaughter, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with attempt to commit a felony, aircraft piracy, or any attempt to commit the listed crimes if the program requires attendance at any state university or community college.

(b) through (d) No change.

(e) Community study release programs shall not interfere with the inmate's employment schedule, CWA duties, or participation in a transition program ~~drug treatment programs~~. The inmate's attendance at classes and transportation time must be scheduled to occur during non-working hours only, unless class attendance is required as part of the inmate's employment.

(f) through (g) No change.

(6) Upon identification by the department, ~~request of an inmate, the inmate~~ shall be considered for placement in a CWA, ~~a community residential substance abuse program,~~ a transition program, or CWR, providing that the inmate meets all criteria outlined in subsection (2) of this rule. ~~The inmate shall make the request on Form DC6-236, Inmate Request, to his classification officer.~~

(a) ~~If Providing~~ the inmate meets all criteria in subsection (2) of this rule, the classification officer will enter a community release recommendation.

(b) through (c) No change.

(d) The SCO staff member reviewing the ICT recommendation will utilize the criteria in subsection (2) of this rule to determine the appropriateness for the inmate's placement into CWA, CWR, or a transition program, ~~or a community-based residential substance abuse program~~. The SCO staff member shall approve, ~~or disapprove,~~ or modify the ICT recommendation.

(e) through (7) No change.

(8) Employment.

(a) Employment sought must be full time employment for at least ~~32~~ 40 hours per week. If full time employment is not available, part time employment may be authorized until full time employment can be secured.

(b) The Department will not authorize an inmate to work at paid employment if:

1. The inmate will not receive wages commensurate with those received from the employer by comparable workers or the wages do not meet applicable minimum wage requirements;

2. The employer does not provide the inmate with workers' compensation, or, if workers' compensation insurance is not required by law, other medical and disability insurance to cover the inmate if he is injured while on the job;

3. through 5. No change.

(c) No change.

~~(d) The types of employment that the Department will approve for an inmate are those which are related to the inmate's institutional training, previous experience, and skills.~~

~~(d)(e)~~ Employment of an inmate with a relative is not precluded if:

1. through 3. No change.

(f) through (j) renumbered (e) through (i) No change.

~~(j)(k)~~ There shall be a minimum of three employment contacts per inmate per month by facility personnel to substantiate attendance and discuss any problems that may have arisen. If the inmate has multiple part time jobs, the required contacts must be made at each place of employment. Two of the contacts shall be accomplished either through telephone calls or site visits to the inmate's place(s) of employment, and documentation of the contacts shall be made on Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational for future reference.

~~(k)(l)~~ Facility personnel shall establish a primary and secondary job contact person at all employment sites. The primary and secondary contact person shall be named on Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational.

~~(l)(m)~~ The employer shall provide a current work schedule for the inmate to the work release center each week prior to the inmate being allowed to depart for work. The inmate's work schedule shall be entered into WRIMS at those facilities at which the system is operational.

~~(m)(n)~~ All inmates employed in the community shall be in staff custody return to the facility no later than 12 midnight Eastern Standard Time (EST). Inmates will not be authorized to leave the facility to work in the community between 12 midnight and 5 a.m. EST unless an exception is made. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center. No exceptions will be approved unless it is determined that the risk to the community is minimal, and the earning potential and rehabilitative benefits which the job offers the inmate are substantial.

(9) Clothing and Equipment.

(a) No change.

(b) Inmates working at paid employment are authorized to obtain tools, clothing, and equipment normally required for their employment. An inmate working at paid employment shall be permitted to receive one drop-off of necessary clothing, tools, or equipment, including one bicycle, from an individual approved by the major or contract facility director

~~on the inmate's approved visitor list.~~ In order to receive a drop-off, the inmate must submit Form DC6-236, Inmate Request, to the ~~work release~~ classification officer or designated contract facility staff listing the requested items, the name of the individual approved visitor who will bring the items, and the date the inmate would like the items to be brought. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C. The request shall be forwarded to the correctional officer major or contract facility director, who may approve some or all of the requested items based on the inmate's need as dictated by his work assignment and the security or safety risk posed by the items. The major/facility director may approve the proposed individual or require the inmate to submit the name of another individual for consideration. An inmate may not receive a drop-off without the approval of the correctional officer major or contract facility director.

(c) through (g) No change.

(h) Advancement of Funds. The facility director at a contract work release center, if authorized by contract, shall advance up to \$75.00 to an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings, as provided in subsection (11), shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate. Disciplinary action pursuant to Rule 33-601.314, F.A.C., shall be initiated to ensure due process for the collection of any unpaid portion of the advancement. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

(10) Transportation.

(a) Transportation for inmate engaged in community release programs shall be ~~secured~~ by the following means and be approved by the major or contract facility director:

1. Employer furnished transportation, the driver of which must be approved by the major or contract facility director;

2. Public transportation, including taxi service;

3. Transportation provided by a family member or an approved sponsor as defined in Rule 33-601.303, F.A.C.;

4. through 6. No change.

(b) through (c) No change.

(11) Disbursement of Earnings.

(a) through (b) No change.

(c) The inmate's plan for the disbursement of earnings shall include a provision that no less than 10% of his net income will be placed in savings for disbursement upon his release. While an inmate is assigned to a community release

program, such savings may not be used for any inmate expenditure including but not limited to subsistence payments, transportation fees, or weekly draws. The plan shall also include a provision that no less than 10% of net income will go toward the support of any dependents the inmate may have.

(d) All inmates participating in community work release programs shall be required to pay 55% subsistence, which shall be computed by factoring .55 (55%) times the inmate's net earnings.

(e) No change.

(f) Subsistence deductions against individual inmate's earnings will commence with the first labor compensation payment received by the inmate during his incarceration and will terminate with the last day of incarceration earnings deposited to the Inmate Trust Fund, regardless of the frequency of the employer's payroll cycle. Inmates released from Department custody in the middle of an employer's pay cycle will be responsible for subsistence for each day in the pay cycle that the inmate was in Department custody. Center staff will manually deduct final subsistence payments for this period from the inmate's trust fund account. However, if an inmate fails to deposit his final earnings into his Inmate Trust Fund account, a 55% subsistence deduction will be made from the Inmate Trust Fund Account for the days owed by the inmate, based on the inmate's release date, for which the State or the contract facility has not already been compensated. The assessment will be made based on the inmate's last earnings deposited.

(g) An inmate who has been gainfully employed and becomes unemployed for any reason fired from employment for misconduct, or who voluntarily terminates employment shall continue to be assessed for subsistence to the limit of funds available. Absent earnings to compute the subsistence deduction, the assessment will be made at the same per diem level as was deducted from the inmate's last regular wages.

(h) through (j) No change.

(k) Subsequently, the inmate may request within seven (7) days of the expiration of his sentence to establish an outside bank or credit union account. The major or contract facility director shall evaluate and approve or disapprove such requests based on the following criteria: No inmate shall be allowed to open any outside bank or credit union account in his or her name utilizing monies which were earned while on community release.

1. Whether the inmate has followed applicable Department rules regarding deposit and handling of his income (e.g., whether the inmate deposited all paychecks in a timely fashion); and

2. Whether the account offers, or the opening of the account is contingent upon, initiating an additional contract beyond the establishment of a bank or credit union account (e.g., a credit card offer or requirement).

(l) An inmate is permitted to draw up to \$100.00 from his account each week, provided the inmate has sufficient funds and the draw is not taken from the savings required by paragraph (11)(c) above.

(m)(+) Any requests for special withdrawal shall be made in accordance with paragraph (3)(a) of ~~completed on Form DC2-304, Special Withdrawal Form DC2-304 is incorporated by reference in~~ Rule 33-203.201, F.A.C. The amount of such requests will be limited to no more than 10% of funds available in the inmate's trust fund account. Special withdrawal requests are limited to one per month unless an emergency arises, such as a sudden change of employment requiring the purchase of appropriate tools, clothing, or equipment. Emergency special withdrawal requests will be evaluated and approved or disapproved by the major or contract facility director to ensure that the withdrawal is emergent in nature.

(12) Restitution.

(a) through (b) No change.

(c) In the event that the committing court fails to order restitution or orders restitution but fails to state a specific amount, the Department shall require the inmate, as a condition of working in a paid employment program, to pay restitution to the aggrieved party in an amount to be determined by the ~~Department Bureau Chief of Classification and Central Records~~ pursuant to Section 945.091, F.S. Restitution which is imposed by the Department under this provision shall not be less than 10% of the inmate's net earnings.

(d) through (e) No change.

(13) Reasons for Removal from a Community Release Program. An inmate may be removed from a CWA, ~~a community based residential substance abuse program~~, a transition program, or from CWR for any of the following reasons:

(a) No change.

(b) Information is received concerning the inmate that is determined will adversely impact on the safety and security of the inmate, Department, or the community; ~~or~~

(c) There is reason to believe that the inmate will not honor the trust bestowed upon him; ~~or~~

(d) Failure to obtain lawful employment within 60 days of placement will be cause for review by department staff for determination of continued participation in a community release program.

(14) Process for Removal from a Community Release Program.

(a) When an inmate is removed from a CWA, ~~a community based residential substance abuse program~~, a transition program, or from CWR for negative behavior or unsuccessful participation in the program and placed in a secure facility, the inmate shall be recommended for termination from the program by his classification officer.

(b) through (d) No change.

(15) Escape from a Community Release Program.

(a) through (b) No change.

(c) If, following investigation, it is determined that the inmate did not escape, as defined in Section 945.091(4), F.S., the procedures outlined in subsection (14)(15) of this rule shall be followed in order to review for reinstatement ~~reinstate the inmate~~ to a community release program.

(16) Citizen Committees. The correctional officer major of a work release center or facility director of a contract facility shall establish committees of volunteer citizens in the various communities of the state to assist the Department by:

(a) through (b) No change.

(c) Aiding in the re-entry and transition programs of the facility.

(d) through (e) No change.

(17) No change.

(18) Records Required. The Department shall keep a record of the following:

(a) No change.

(b) Number of community release and furlough programs completed and the number of inmates terminated from the program and reasons therefore.

(c) through (d) No change.

(19) Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (d) No change.

(e) DC6-118A, Personalized Program Plan for Work Release Centers, effective _____ ~~9-2-01~~.

(f) DC6-118B, Personalized Program Plan – Modification Plan, effective _____ ~~9-2-01~~.

(g) DC6-118C, Personalized Program Plan Progress Review, effective _____ ~~9-30-08~~.

(h) DC6-118D, Transition Release Plan, effective _____ ~~3-14-01~~.

(i) DC6-102, Letter of Notice, effective _____ ~~9-2-01~~.

Rulemaking Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, 9-30-08, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-10.001	Purpose and Scope
63F-10.002	Definitions
63F-10.003	Requests for Youth Information
63F-10.004	Release of Records by Department
63F-10.005	Record Sharing Agreements with Other Government Agencies
63F-10.006	Confidentiality of Records Released by the Department

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 45, November 12, 2010 issue of the Florida Administrative Weekly.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, December 10, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel’s Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-28.140	Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-27.002	Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly has been withdrawn.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on October 28, 2010, the Criminal Justice Standards and Training Commission has issued an order.

A Petition for Waiver of paragraphs 11B-35.001(3)(a), (b) and 11B-35.0021(6)(a), F.A.C., was received from Santa Fe Community College and Sgt. Terrence Stevens, on September 21, 2010. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 40, October 8, 2010. The rule requires high liability instructors to submit certain paperwork, be reviewed by a field specialist, and be entered into the CJSTC's ATMS database prior to instructing CJSTC firearms classes. Santa Fe Community College hired Sgt. Terrence Stevens, a certified officer who had passed all coursework requirements to become a high liability firearms instructor, and assigned him to teach a firearms course to a basic recruit class without having his administrative paperwork completed. As soon as the school became aware of the deficiency, the CJSTC field representative was called and this rule waiver request was initiated. The Petitioner college stated that Sgt. Stevens met all the requirements for correctly teaching the firearms course at issue, but failed to complete all administrative aspects of certification as outlined in the rule. Sgt. Stevens was at all times qualified to instruct the course, he had only failed to complete administrative acts that would ensure he was fully certified as a firearms instructor.

The Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to re-qualify many working officers who suffered no disability in training as a result of the

failure to complete the administrative aspects of the rule. The Commission found that the purposes of the underlying statute, to ensure that criminal justice training is carried out uniformly throughout all Commission-certified training schools, would be served by permitting a waiver of a clerical, as opposed to tactical training, requirement. Accordingly, the Commission granted Petitioner's request for a waiver of paragraphs 11B-35.001(3)(a), (b) and 11B-35.0021(6)(a), F.A.C., on October 28, 2010, at its regularly scheduled Business Agenda meeting in Ponte Vedra Beach, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327, or by telephoning (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 2, 2010, the Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Chef Dee's Catering, Panama City Beach, Florida. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within an adjacent licensed food service establishment under the same ownership.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on October 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for a Routine Variance on October 14, 2010 for paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Subway, Kissimmee, Florida. The above referenced F.A.C. addresses the requirements that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for

manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize a mopsink and dishwashing facility located within another establishment. The initial petition published in Vol. 36, No. 43 on October 29, 2010. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the dishwashing facility (including handwash sink) and mop sink located within Osceola Regional Medical Center Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and are available during all hours of operation. If the the hours of operation or ownership of Osceola Regional Medical Center Main Kitchen changes, an updated signed agreement for use of the dishwashing facility and mop sink is required immediately.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on November 2, 2010, the Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Subway #46725, Ft. Myers, Florida. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities are provided for manually washing, rinsing and sanitizing equipment and utensils. They are requesting to utilize a mopsink and dishwashing facility located within another regulated establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on September 20, 2010, the Board of Architecture and Interior Design, received a petition for Tracee M. Bomberger, seeking a variance or waiver of subsection 61G1-22.002(1), F.A.C., which requires that applicants for licensure obtain the diversified interior design experience required by Section 481.209(2), F.S., with a registered interior designer (any state) or registered architect (any state) performing interior design services, unlicensed interior designer (outside of Florida) who has passed the NCIDQ (National Council for Interior Design Qualification) or the AID (American Institute of Designers) examination, or

unlicensed interior designer (outside of Florida) who would have met the six-year experience grandfather requirement of Section 21, Chapter 88-383, Laws of Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony Spivey, Executive Director, Board of Architecture and Interior Design 1940 North Monroe Street, Tallahassee, Florida 32399-0783. Comments on this petition should be filed with the Board of Architecture and Interior Design within 14 days of publication of this notice.

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance for Ronald Aaron Mattis, Jr., filed on January 19, 2010. The Notice of Petition for Variance was published in Vol. 36, No. 04, of the January 29, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 10-12, 2010, Tampa, Florida. The Board's Order, filed on July 12, 2010, grants the Petitioner a conditional Variance or Waiver from subsection 61G4-15.001(2), F.A.C., which would allow Petitioner to construct non-habitable communications structures/cell phone towers and communications structures that are place on roof tops or are otherwise attached to habitable structures, and habitable accessory use structures not to exceed three stories in height.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance for Scott B. Sontag, filed on December 2009. The Notice of Petition for Variance was published in Vol. 35, No. 52, of the December 31, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on January 13, 2010, Cocoa Beach, Florida.

The Board's Order, filed on June 17, 2010, grants the Petitioner a conditional Variance or Waiver from subsection 61G4-15.001(2), F.A.C., which would allow Petitioner to construct non-habitable communications structures/cell phone towers and communications structures that are place on roof tops or are otherwise attached to habitable structures, and habitable accessory use structures not to exceed three stories in height.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance for Charles Ray Zeldenthuis, filed on February 25,

2010. The Notice of Petition for Variance was published in Vol. 36, No. 11, of the March 19, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 16, 2010, Tampa, Florida.

The Board's Order, filed on August 25, 2010, grants the Petitioner a Variance or Waiver from subsection 61G4-15.001(2), F.A.C., which would allow Petitioner to construct non-habitable communications structures/cell phone towers and communications structures that are placed on roof tops or are otherwise attached to habitable structures, and habitable accessory use structures not to exceed three stories in height.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN THAT on October 29, 2010, the Board of Accountancy, received a petition for Tavera Andrews, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on October 28, 2010, the Board of Accountancy, received a petition for Amy Weiss, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on November 5, 2010, the Florida Real Estate Appraisal Board, received a petition for Mark Alan Gerber, seeking a variance or waiver of paragraph 61J1-4.010(1)(c), Florida Administrative Code, that requires

that a supervisory appraiser must have been licensed as an appraiser or certified as a residential or general appraiser for at least 48 months to qualify to supervise trainees.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Thomas W. O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801. Comments on this petition should be filed with the Florida Real Estate Appraisal Board within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on October 4, 2010, the Board of Dentistry, received a petition for The Board of Dentistry hereby gives notice that it has received a petition, filed on October 4, 2010, by Gonzalo Romo De Miguel, seeking a waiver or variance of Rule 64B5-2.0146, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with the: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on October 10, 2010, the Board of Medicine, received a petition for waiver or variance filed by Mittalben V. Patel, M.D., from Rule 64B8-4.018, F.A.C., with regard to the requirement for residency in an ACGME approved clerkship. Comments on this petition should be filed with the: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on October 26, 2010, the Department of Health, received a petition for Variance from subsections 64E-9.018(2) and (3), Florida Administrative Code, from Jill E. White, on behalf of Starfish Aquatics Institute, 1607 North Market Street, Champaign, Illinois.

Subsections 64E-9.018(2) and (3), Florida Administrative Code, prescribes that course and material approval by the Department are contingent on length of time a classroom topic is conducted. The Petitioner requests a variance from the rule to allow the Petitioner to provide a pool service technician course that is not completely done in a classroom but rather a portion is completed via internet. Comments on this Petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Pat Duncan, Bureau of Water Programs, 4052 Bald Cypress Way, Bin #C-22, Tallahassee, FL 32399-7017, (850)245-4240.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration

Division of Bond Finance

Financial Services Commission:

Office of Insurance Regulation

Office of Financial Regulation

Agency for Enterprise Information Technology

Department of Veterans' Affairs

Department of Highway Safety and Motor Vehicles

Department of Law Enforcement

Department of Revenue

Administration Commission

Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: December 7, 2010, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The **State Board of Administration** will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as

depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The **Division of Bond Finance** of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The **Financial Services Commission** will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the **Office of Insurance Regulation** concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The **Agency for Enterprise Information Technology** will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The **Department of Veterans' Affairs** will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The **Department of Highway Safety and Motor Vehicles** will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The **Department of Law Enforcement** will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The **Department of Revenue** will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The **Administration Commission** will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The **Florida Land and Water Adjudicatory Commission** will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The **Board of Trustees of the Internal Improvement Trust Fund** will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters; rulemaking under Title 18 of the Florida Administrative Code and other matters within its authority.

The **Department of Environmental Protection** will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee

DEPARTMENT OF STATE

The **Division of Historical Resources**, Bureau of Historic Preservation, Great Floridians Ad Hoc Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 7, 2010, 10:30 a.m.

PLACE: Secretary of State's Conference Room, 1st Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To nominate individuals to be considered for designation at 2011 Great Floridians.

A copy of the agenda may be obtained by contacting: Susanne Hunt at (850)245-6333 or email: shunt@dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Susanne Hunt at (850)245-6333 or email: shunt@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Susanne Hunt at (850)245-6333 or email: shunt@dos.state.fl.us.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission**, "The Commission" announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 29, 2010, 9:00 a.m. – Until Completion; Specifically Conference Call. Telephone Number: (888)808-6959, Code: 1967168

Public point of access: Rm 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

PLACE: The CODE ADMINISTRATION TECHNICAL ADVISORY COMMITTEE (TAC), The MECHANICAL TECHNICAL ADVISORY COMMITTEE (TAC), The STRUCTURAL TECHNICAL ADVISORY COMMITTEE (TAC)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and recommendation of Declaratory Statements, and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mr. Joe Bigelow, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, phone (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. Mo Madani, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, phone ((850)487-1824 or Fax (850)414-8436, Website: www.floridabuilding.org.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 3 hereby announces public hearings to which all persons are invited. Tentative Program of Work for Fiscal Years July 1, 2011 through June 30, 2016

1. Escambia, Santa Rosa, Okaloosa, and Walton Counties:

DATE AND TIME: Tuesday, November 30, 2010, 10:00 a.m. – 11:00 a.m. (CST)

PLACE: FDOT Milton Operations Center Conference Room, 6025 Old Bagdad Highway, Milton, FL 32583

2. Bay, Calhoun, Gulf, Jackson, Holmes and Washington Counties:

DATE AND TIME: Wednesday, December 1, 2010, 10:00 a.m. – 11:00 a.m. (CST)

PLACE: Bay County Government Center, Conference Room 1030, 840 West 11th Street, Panama City, FL 32401

3. Franklin, Gadsden, Liberty, Jefferson, Leon and Wakulla Counties:

DATE AND TIME: Thursday, December 2, 2010, + 11:00 a.m. – 12:00 Noon (EST)

PLACE: FDOT Midway Operations Center Conference Room, 17 Commerce Blvd., Midway, FL 32343

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

Persons wishing to express concerns about Title VI may do so by contacting: Florida Department of Transportation, District 3, Title VI Coordinator, Attention: John Smith, 1074 Highway 90, Chipley, Florida 32428, (850)415-9520, email: john.smith@dot.state.fl.us or Statewide Title VI Administrator, Charlotte Thomas, Equal Opportunity, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4747, email: charlotte.thomas@dot.state.fl.us.

Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (Free of Charge) should contact: Regina Battles, (850)415-9270 at least seven days prior to the meeting
GENERAL SUBJECT MATTER TO BE CONSIDERED: These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The purpose of the public hearings is to consider the Department's Improved Tentative Work Program for District Three, for the period 2011/2012 through 2015/2016, and to consider the necessity of making any changes to the program.

Written comments from TPOs/TPAs and other interested parties will be received by the Department at the Public Hearings and within 10 days thereafter. Comments should be addressed to: Mr. James T. Barfield, P.E., District Secretary, FDOT, District Three, Post Office Box 607, Chipley, FL 32428.

The Florida **Department of Transportation**, District Seven announces a hearing to which all persons are invited.

DATE AND TIME: Monday, December 13, 2010, 1:30 p.m. – 3:30 p.m.

PLACE: Main Location: Florida Department of Transportation, District Seven Auditorium, 11201 N. McKinley Drive, Tampa, FL 33612, (813)975-6000; Remote Locations: Citrus County BOCC offices, 110 N. Apopka Avenue, Inverness, FL; Hernando County MPO offices, 20 N. Main Street, Brooksville, FL; Hillsborough County MPO offices, 601 E. Kennedy Blvd., 18th Floor, Tampa, FL; Pasco County, West Pasco Government Center, Board Room, 7530 Little Road, New Port Richey, FL; Pinellas County MPO offices, 600 Cleveland Street, 7th Floor, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation, District Seven, invites you to participate in the Five-Year Tentative Work Program Public Hearing for Fiscal Years July 1, 2011 through June 30, 2016.

The hearing is being conducted as a webinar, which is a live presentation over the internet. Registration is required prior to joining the webinar (space is limited). Please visit this website to register: <https://www2.gotomeeting.com/register/481555299>. After registering you will receive a confirmation email containing information about joining the Webinar.

The Tentative Work Program covers the next five years of preliminary engineering, right-of-way acquisition, construction, and public transportation projects for Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties and includes Florida's Turnpike Enterprise projects in these counties. These hearings are being conducted pursuant to Chapter 120, F.S. and Section 339.135(4)(d), F.S.

The department will receive verbal and written comments from organizations and the general public at the hearings. Written comments not received at the public hearings must be postmarked by January 3, 2011 to become part of the official public hearing record. Written comments may be mailed to: Donald J. Skelton, P.E., District Secretary, Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, MS 7-100, Tampa, Florida 33612-6456.

A copy of the agenda may be obtained by contacting: Ming Gao, P.E., Intermodal Systems Development Manager, 11201 N. McKinley Drive, MS 7-500, Tampa, FL 33612-6456.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ms. Lee Royal, Community Liaison Administrator, at (813)975-6427 or 1(800)226-7220. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Lee Royal, Community Liaison Administrator at (813)975-6427 or 1(800)226-7220.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 15, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve (GTM Reserve), Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group for the GTM Reserve is holding a meeting to provide advisory input for the management of the GTM Reserve.

A copy of the agenda may be obtained by contacting: Annette Odom by e-mail: Annette.Odom@dep.state.fl.us, by phone: (904)823-4500 or by mail: 505 Guana River Road, Ponte Vedra Beach, Florida 32082.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Annette Odom at (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

STATE BOARD OF ADMINISTRATION

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 8, 2010, 9:00 a.m. or soon thereafter – until completion

PLACE: The University of North Florida, 1 UNF Drive, Student Union Building, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board Investment Committee.

A copy of the agenda may be obtained by contacting: <http://www.myfloridaprepaid.com/> or call: (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Faxing: A written request to the Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 8, 2010, following the adjournment of the Investment Committee of the Florida Prepaid College Board meeting on December 8, 2010, at the same location, until completion

PLACE: The University of North Florida, 1 UNF Drive, Student Union Building, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board.

A copy of the agenda may be obtained by contacting: <http://www.myfloridaprepaid.com/> or call: (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Faxing: a written request to the Florida Prepaid College Board at

(850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Prepaid College Foundation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 8, 2010, following the adjournment of the Florida Prepaid College Board meeting on December 8, 2010, at the same location, until completion

PLACE: The University of North Florida, 1 UNF Drive, Student Union Building, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Foundation Board.

A copy of the agenda may be obtained by contacting: <http://www.myfloridaprepaid.com/> or call: (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Faxing: a written request to the Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its November 30, 2010, Commission Conference, Docket No.: 100405-EI, Application of Florida Power & Light Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, to issue and sell, and/or exchange any combination of the long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$6.1 billion during calendar year 2011. In addition, the Company seeks permission to issue and sell short-term securities during the calendar years 2011 and 2012 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of, and including, any such sale shall not exceed \$4.0 billion.

DATE AND TIME: Tuesday, November 30, 2010, Commission Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No.: 100405-EI.

Emergency Cancellation of Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website: <http://www.psc.state.fl.us/>, under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: The Office of the General Counsel at (850)413-6199.

Any person requiring some accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-085, (850)413-6770. Any person who is hearing or speech impaired, should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact: Katherine Fleming, Office of the General Counsel at (850)413-6218.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2010, 5:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2010, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2010, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2010, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2010, 1:00 p.m.

PLACE: County Public Library Meeting Room, 378 Northwest College Loop, Madison, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Madison County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Northeast Florida Regional Council announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, December 2, 2010; Personnel, Budget & Finance Committee at 9:00 a.m.; Planning & Growth Management Committee 9:00 a.m.; Strategic Regional Policy Planning Committee at 9:00 a.m.; Full Board of Directors at 10:00 a.m.; Legislative Policy Committee and Awards Selection Committee immediately following the Board Meeting.

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefrc.org.

The **St. Johns County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 2, 2010, 2:00 p.m.

PLACE: St. Johns County Council on Aging, 180 Marine Street, St. Augustine, FL 32084-5153

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ed Lehman at (904)279-0880, ext. 130. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 6, 2010, 8:30 a.m.

PLACE: ECFRPC Offices, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Executive Committee to discuss the upcoming December 15, 2010 Council Meeting (visit our website at: www.ecfrpc.org for map and directions).

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772 or email: tbyrd@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Tampa Bay Regional Planning Council**, Regional Planning Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 3, 2010, 1:30 p.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Advisory Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Avera Wynne at (727)570-5151, ext. 30 or avera@tbrpc.org.

The **Tampa Bay Regional Planning Council, Clearinghouse Review Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: December 27, 2010, 9:30 a.m. (tentative)

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Wren Krahl at (727)570-5151, ext. 22. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: John Meyer at (727)570-5151, ext. 29.

The **Southwest Florida Regional Planning Council, LEPC** announces a public meeting to which all persons are invited.

DATE AND TIME: December 3, 2010, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Region IX, Local Emergency Planning Committee (LEPC) will be meeting to discuss and implement provisions of the Emergency Planning and Community Right-To-Know Act. Additionally, the Southwest Florida Regional Hazmat Teams Meeting will be held at the same location beginning at 1:00 p.m.

A copy of the agenda may be obtained by contacting: John Gibbons at (239)338-2550, ext. 229 or email: jgibbons@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or email: dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: www.swfrpc.org.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 1, 2010, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Lower West Coast Watersheds Implementation Committee will be holding their regular monthly meeting to discuss water quality issues affecting Southwest Florida.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, #226 or email: dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deborah Kooi at (239)338-2550, #210 or email: dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information visit our website: www.swfrpc.org.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 1, 2010, 10:30 a.m.

PLACE: Glades County Library, 201 Riverside Drive, Moore Haven, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is to notify that the Joint Glades/Hendry Local Coordinating Board for the Transportation Disadvantaged meeting location has changed to the above location.

A copy of the agenda may be obtained by contacting: Mr. Brian Raimondo at (239)338-2550, ext. 211 or email: braimondo@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Brian Raimondo at (239)338-2550, ext. 211 or email: braimondo@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Deborah Kooi at (239)338-2550, ext. 210 or email: dkooi@swfrpc.org.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 3, 2010, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics at website: www.ethics.state.fl.us or (850)488-7864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Commission on Ethics at (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organizations Advisory Council (MPOAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Chamber Foundation, 136 South Bronough Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: An analysis of transportation funding options for Florida.

A copy of the agenda may be obtained by contacting: Rebecca Bosco at (813)974-9777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rebecca Bosco at (813)974-9777. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rebecca Bosco at (813)974-9777.

The **Metropolitan Transportation Planning Organization** for the **Gainesville Urbanized Area** announces a public meeting to which all persons are invited.

DATE AND TIME: December 8, 2010, 10:00 a.m.

PLACE: Jack Durrance Auditorium, County Administration Building, 12 Southeast 1st Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Alachua County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67th Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Pinellas County Metropolitan Planning Organization** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 30, 2010, 9:15 a.m.

PLACE: Pinellas County Planning Department Conference Room, 600 Cleveland Street, Suite 750, Clearwater, FL 33755

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Local Coordinating Board meeting.

A copy of the agenda may be obtained by contacting: Heather Sobush at email: hsobush@pinellascounty.org or call: (727)464-8200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Office of Human Rights, 400 South Fort Harrison Avenue, Suite 300, Clearwater, Florida 33756, (727)464-4062 (V/TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Heather Sobush at email: hsobush@pinellascounty.org or call: (727)464-8200.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 1, 2010, 9:00 a.m.

PLACE: Clearwater City Hall, 112 South Osceola Avenue, Clearwater, FL 33756

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pinellas-Anclote River Basin Board Meeting: Consider Basin business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org, Boards, Meetings and Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Phyllis.Young@watermatters.org, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4615 (Ad Order EXE0094).

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

DATE AND TIME: Thursday, December 2, 2010, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alafia River Basin Board Meeting.

DATE AND TIME: Thursday, December 2, 2010, 1:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hillsborough River Basin Board Meeting; Consider Basin business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org, Boards, Meetings and Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dianna.Brass@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4604 (Ad Order EXE0093).

The **Water Resources Advisory Commission (WRAC)**, Lake Okeechobee Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Marriott Key Largo, 103800 Overseas Highway, Key Largo, FL 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: A combined Public Meeting of the Water Resources Advisory Commission (WRAC), Lake Okeechobee Committee regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District's Clerk Office, Jacki McGorty at

(561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Lake Belt Mitigation Committee, March 2, 2011, 9:00 a.m.

PLACE: SFWMD, Building B-1, 2-A Bridge Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, Florida Statutes, to discuss a variety of Lake Belt issues.

A copy of the agenda may be obtained by contacting: Lourdes Elias at (561)682-2706 or website: <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>, Teleconference information Local SFWMD: (561)682-6700, Nationwide Toll Free: 1(866)433-6299, Meeting ID #: 8774

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: South Florida Water Management District, Attention: Lourdes Elias, MSC 2113, 3301 Gun Club Road, P. O. Box 24680, West Palm Beach, FL 33416-4680.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, December 3, 2010, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4142039#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the initiatives that the advisory council and the department wish to undertake.

A copy of the agenda may be obtained by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: hultsw@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: hultsw@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: hultsw@elderaffairs.org.

The **Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATES AND TIME: November 18, 24, 2010; December 2, 9, 16, 23, 30, 2010; January 6, 13, 20, 27, 2011; 8:30 a.m. – 9:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9247380#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting for the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Erika Burgess at (850)414-2381, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, email: burgesse@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Erika Burgess at (850)414-2381, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, email: burgesse@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Erika Burgess at (850)414-2381, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399, email: burgesse@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 7, 2010, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, First Floor, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will be considering applications received for the Gold Seal Award designation. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308 or via email: jacqueline.williams@ahca.myflorida.com.

The **Agency for Health Care Administration**, on behalf of the **Technical Advisory Panel on Intergovernmental Transfers (IGT TAP)** announces a telephone conference call to which all persons are invited.

DATES AND TIME: November 30, 2010; December 7, 2010; December 9, 2010; December 14, 2010; December 16, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4138067#

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Senate Bill 1484 (Chapter 2010-144, Laws of Florida), Section 2, the Agency Secretary shall appoint and convene a technical advisory panel to advise the Agency in the study and development of intergovernmental transfer distribution methods. The panel shall include representatives from contributing hospitals, medical schools, local governments, and managed care plans. The panel shall advise the agency regarding the best methods for ensuring the continued availability of intergovernmental transfers, specific issues to resolve in negotiations with the Centers for Medicare and Medicaid, and appropriate safeguards for appropriate implementation of any developed payment methodologies.

For more information, you may contact: Edwin Stephens at (850)412-4077 or email: edwin.stephens@ahca.myflorida.com with any questions.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: November 30, 2010, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, December 6, 2010; Tuesday, December 7, 2010, 8:30 a.m. or soon thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board: Topics include, but not limited to, proposed legislation affecting Chapter 475, Part II, F.S., Chapter 61J1, F.A.C., rule amendments, disciplinary actions, and general subject matter.

A copy of the agenda may be obtained by contacting: Beverly Ridenauer, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, FL 32801-1757.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Department of Business and Professional Regulation at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 8, 2010, 9:00 a.m. (Eastern Time) or soon thereafter

PLACE: Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: December 3, 2010, 10:30 a.m.

PLACE: Mara Logo Cay Clubhouse, 6255 Lawrence Road, Lantana, FL 33462

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett at 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett at 1(888)862-7010. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, November 30, 2010, 7:00 p.m. (ET)

PLACE: Doyle Connor Building, 1911 S. W. 34th Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Livestock Management Plan for Paynes Prairie Preserve State Park.

A copy of the agenda may be obtained by contacting: William Cutts, Assistant Bureau Chief, Bureau of Parks, District 2 at (352)955-2135 or email: William.Cutts@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: William Cutts, Assistant Bureau Chief, Bureau of Parks, District 2 at (352)955-2135 or email: William.Cutts@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: William Cutts, Assistant Bureau Chief, Bureau of Parks, District 2 at (352)955-2135 or email: William.Cutts@dep.state.fl.us.

NOTICE OF CHANGE – The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2010, 9:00 a.m.

PLACE: 3900 Commonwealth Blvd., Douglas Building, Conference Room A, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The October meeting of the Environmental Regulation Commission (ERC) was postponed. The Department's amendments to Rule 62-302.540, F.A.C., which were originally scheduled for ERC approval for adoption on October 21, 2010, will now be brought before the ERC on December 2, 2010, at the time and place identified above. The Notice of

Proposed Rulemaking for this rule was published in the September 17, 2010 issue of the Florida Administrative Weekly (Vol. 36, No. 37).

On remand from the United States District Court for the Southern District of Florida (Case No.: 04-21448-Civ-Gold/McAliley), the U.S. Environmental Protection Agency (EPA) has disapproved portions of Rule 62-302.540, F.A.C., as being inconsistent with the Federal Clean Water Act. The Department is amending Rule 62-302.540, F.A.C., to delete those portions of the Rule that were disapproved by EPA and to ensure consistency with the Federal Clean Water Act and the Court's orders.

A copy of the agenda may be obtained by contacting: Greg Knecht at (850)245-2088.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Greg Knecht at (850)245-2088. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Florida Coastal Management Program announces a public meeting to which all persons are invited.

DATE AND TIME: December 7, 2010, 9:00 a.m. – 1:00 p.m.

PLACE: Conference Room A, Douglas Bldg., 3900 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Coastal Management Program Grant Review Committee will meet to evaluate state agency and water management district applications for funds to be granted to the state under section 306 of the Coastal Zone Management Act for Fiscal Year 2011-2012.

A copy of the agenda may be obtained by contacting: Susan Goggin, FCMP, Department of Environmental Protection, MS #47, Tallahassee, FL 32399, (850)245-2161 or send email to: Susan.Goggin@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Susan Goggin, FDEP, MS #47, Tallahassee, FL 32399, (850)245-2161 or send email to: Susan.Goggin@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 10, 2010, 8:30 a.m.
 PLACE: Crowne Plaza Universal, 7800 Universal Boulevard,
 Orlando, Florida 32819, (407) 355-0550
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 General board business.

A copy of the agenda may be obtained by contacting: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or access the web at: www.doh.state.fl.us/mqa/chiro/index.html.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine** hereby gives notice that pursuant to Section 286.011(8), Florida Statutes, it will be meeting in a closed session to discuss pending litigation in the matter of Isabella K. Sharpe, M.D. v. Department of Health, Board of Medicine, Case No.: 10-1243RU.

DATE AND TIME: Friday, December 3, 2010, 2:00 p.m.
 PLACE: The Renaissance Orlando, 5445 Forbes Place,
 Orlando, FL 32812.
 GENERAL SUBJECT TO BE CONSIDERED: Closed
 Session to discuss pending litigation in the matter of Isabella K. Sharpe, M.D. v. Department of Health, Board of Medicine, Case No.: 10-1243RU.

The following persons shall be in attendance: Fred Bearison, M.D., Michael Chizner, M.D., Trina Espinola, M.D., Frank Farmer, M.D., Brigitte Goersch, Onelia Lage, M.D., Bradley Levine, Don Mullins, Robert Nuss, M.D., Tully Patrowicz, M.D., Jason Rosenberg, M.D., Steven Rosenberg, M.D., George Thomas, M.D., Lisa Tucker, M.D., Gary Winchester, M.D., Larry McPherson, Executive Director, Board of Medicine, Edward Tellechea, Board Counsel, Donna McNulty, Board Counsel, and the court reporter. The meeting shall be transcribed in accordance with the provisions of Section 286.011(8), F.S.

The **Department of Health, Board of Respiratory Care Practice** announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2011, 8:30 a.m. or soon thereafter

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Tampa, FL 33607, (813)879-5151
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Respiratory Care Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the Board Office: (850)245-4373, ext. 3476 or by visiting our website: www.doh.state.fl.us/mqa.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 30, 2010, 1:30 p.m. – 3:30 p.m.
 PLACE: Pinellas Technical Education Center, Building 1,
 Center of Excellence, 6100 154th Avenue, Clearwater, Florida 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Janet Blair at (813)558-5841 or Taddese Fessehaye at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janet Blair at (813)558-5841 or Taddese Fessehaye at (407)317-7335. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Blair at (813)558-5841 or Taddese Fessehayee at (407)317-7335.

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 1, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Catholic Charities, 2210 Santa Barbara Boulevard, Naples, Florida 34116

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Collier Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Janet Blair at (813)558-5841 or Taddese Fessehayee at (407)317-7335.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janet Blair at (813)558-5841 or Taddese Fessehayee at (407)317-7335. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Blair at (813)558-5841 or Taddese Fessehayee at (407)317-7335.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2010, 9:30 a.m. (Eastern Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Committee meeting will be to discuss and score the proposals submitted for RFQ 2010-07 for counseling services for the HFA Hardest Hit Fund Mortgage Intervention Strategy.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sherry Green at (850)488-4197 or email:

sherry.green@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2010, 9:00 a.m.

PLACE: Bryant Building, 620 South Meridian Street, Room #272, Tallahassee, FL 32399-1600

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Steering Committee for the Florida Beaches Habitat Conservation Plan (HCP). Topics to be discussed include staff updates on progress during the last quarter and review of a preliminary draft of a "Beaches HCP Informational Brochure." The committee will revisit their votes from a past meeting on 3 items: Term limit for the Incidental Take Permit; Inclusion of critically eroded beaches in the plan area; and Protection of non-federally listed, at-risk species through the HCP.

A copy of the agenda may be obtained by contacting: Kat Diersen, Florida Fish and Wildlife Conservation Commission, Species Conservation Planning Section, 620 South Meridian Street, MS #2A, Tallahassee, FL 32399-1600, (850)410-0656, ext. 17323, email: katherine.diersen@myfwc.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kat Diersen, Florida Fish and Wildlife Conservation Commission, Species Conservation Planning Section, 620 South Meridian Street, MS 2A, Tallahassee, Florida 32399-1600, (850)410-0656, ext. 17323, email: katherine.diersen@myfwc.com.

The **Fish and Wildlife Conservation Commission**, Boating and Waterways Section announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, November 30, 2010, 6:00 p.m. – 8:30 p.m.

PLACE: City Hall, Alcazar Conference Room, 75 King Street, Saint Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address possible amendments to Rule 68D-24.155, Florida Administrative Code, to further reduce vessel speed limits on the Florida Intracoastal Waterway in the vicinity of the Bridge of Lions and the St. Augustine Municipal Marina within St. Johns County. This meeting is being held in response to a Petition for Rulemaking filed by the City of St. Augustine on July 30, 2010.

A copy of the agenda may be obtained by contacting: Ryan Moreau at email: Ryan.Moreau@MyFWC.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The FWC at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ryan Moreau, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, FL 32399-1600, (850)488-5600.

FINANCIAL SERVICES COMMISSION

NOTICE OF CHANGE – The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: December 7, 2010, during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rules 69M-236.001, .002, .003, .004, .005, Florida Administrative Code, published on August 13, 2010 in Vol. 36, No. 32, of the Florida Administrative Weekly, has been moved from November 9, 2010 to December 7, 2010.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Debra Seymour, Office of Insurance Regulation, e-mail: Debra.Seymour@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Debra Seymour, Office of Insurance Regulation, e-mail: Debra.Seymour@flor.com.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: December 7, 2010, 1:00 p.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Home Insurance Company has requested an average statewide rate increase of 39.3% for its Leader, Prime, and Select homeowners programs. The rate increases will be effective January 4, 2011, for new and renewal business. The requested rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the: Office of Insurance Regulation at email: ratehearings@flor.com; the subject line should read "First Home."

A copy of the agenda may be obtained by contacting: Rhoda K. Johnson, Esquire at (850)413-4252 or Cindy Walden at (850)413-2616.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cindy Walden at (850)413-2616 or e-mail her at: cindy.walden@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rhoda K. Johnson, Esquire at (850)413-4252 or Cindy Walden at (850)413-2616.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION, INC.

The **Florida Self-Insurers Guaranty Association, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 3, 2010, 12:00 Noon

PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida 32308, (850)222-1882.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2010, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

CENTER FOR INDEPENDENT LIVING OF SOUTH FLORIDA

The **Center for Independent Living of South Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, November 20, 2010, 12:00 Noon – 2:00 p.m.

PLACE: 6660 Biscayne Boulevard, Miami, FL 33138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting of the Board of Directors of the Center for Independent Living of South Florida, Inc. The Finance Committee and other ad hoc committees will meet 11:00 a.m. – 12:00 Noon, prior to the Board Meeting.

If alternative format (Braille, large print, electronic or audiotape), ASL interpreter, or other accommodation is required, please request at least 14 days in advance of the meeting date. RSVP to: Mary@soflacil.org or call: (305)751-8025, (TTY) (305)751-8891.

A copy of the agenda may be obtained by contacting: Mary@soflacil.org or call (305)751-8025, ext. 110.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Information Systems Advisory Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, November 30, 2010, 1:30 p.m.

PLACE: Conference Call: 1(866)765-5861

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Information Systems Advisory Committee. A copy of the agenda may be obtained by contacting: The Corporate website at: <https://www.citizensfla.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stephanie Martin at (850)513-3751. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

ST. LUCIE TRANSPORTATION PLANNING ORGANIZATION

The **St. Lucie Transportation Planning Organization (TPO)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 8, 2010, 2:00 p.m.

PLACE: St. Lucie County Walton Road Annex, 2nd Floor, Conference Room, 1664 S. E. Walton Road, Port St. Lucie, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the St. Lucie Local Coordinating Board for the Transportation Disadvantaged (LCB).

A copy of the agenda may be obtained by contacting: Marceia Lathou, Senior Planner-Transit at (772)462-1671.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: St. Lucie County Housing and Community Services Department at (772)462-1777. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Marceia Lathou, Senior Planner-Transit, St. Lucie TPO, 2300 Virginia Avenue, Fort Pierce, Florida 34982, (772)462-1671.

SOIL AND WATER CONSERVATION DISTRICTS

The **South Date Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 16, 2010, 9:30 a.m.

PLACE: USDA Florida City Service Center, 1450 N. Krome Avenue, Suite 104, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda items for presentation to the Board of Supervisors: Nursery BMP LAB, MIL LAB, District reports and projects.

A copy of the agenda may be obtained by contacting: Norma Wilson, SDSWCD, Administrative Assistant at (305)242-1288.

For more information, you may contact: Morgan Levy, SDSWCD, Administrator at (305)242-1288.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **FWCJUA Reinsurance Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 30, 2010, 11:00 a.m.

PLACE: To participate in the teleconference meeting, please contact: Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include the 2011 reinsurance program and commutation matters.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

The **FWCJUA Joint and Concurrent Executive Compensation, Operations, Rates and Forms Committees** announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 30, 2010, 1:00 p.m.

PLACE: To participate in the teleconference meeting, please contact: Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include executive staff performance, 2011 compensation and benefits; Executive Director's employment agreement; server equipment co-location/cloud hosting services RFP selection; phone system RFP selection; telecommunications services RFP selection; 2011 Business

Plan and Forecast; Disaster Recovery; budget expense considerations; report on operations; legislative update; application form revisions; Operations Manual reformat; 2011 rate filing; Milliman's engagement.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from: Michael Murray, President, StormWatch, Inc. on October 26, 2010. It has been assigned the number DCA10-DEC-209. The petition seeks the agency's opinion as to the applicability of § 1613.1.9, Florida Building Code, Building Volume (2007, with 2009 supplement) as it applies to the petitioner. as it applies to the petitioner.

Petitioner asks for clarification of the requirements of § 1613.1.9, Florida Building Code, (if any) for deflection and separation for fabric storm panels when used in the HVHZ.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from: Gary D. Pailthorp, Senior Project Engineer, Bracken Engineering, on October 27, 2010. It has been assigned the number DCA10-DEC-213. The petition seeks the agency's opinion as to the applicability of § 202, Florida Building Code, Existing Building Volume (2007, with 2009 supplement) as it applies to the petitioner. as it applies to the petitioner.

Petitioner asks for a definition of "structure damage," a term that is undefined in the F.B.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Bill Guthrie, Esq., on behalf of staySKY Vacation Membership Club, Docket No. 2010051738. The petition seeks the agency's opinion as to the applicability of Sections 721.05(39) and 721.52(4), Florida Statutes, as it applies to the petitioner.

Whether staySKY Vacation Membership Club, which will have an initial term of 35 months with terminable 35 month renewal terms, is a timeshare plan under Sections 721.05(39) and 721.52(4), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement for James Flaherty, filed on May 22, 2009. The Notice of Petition for Declaratory Statement was published in Vol. 35, No. 23, of the June 12, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on August 14, 2009. The petition requested the Board's interpretation of Section 489.105(3)(m), Florida Statutes, and whether plumbing contractors may condemn, remove and replace a heating element and thermostat on an electric water heater.

The Board's Order, filed on November 16, 2009 answers the Petition for Declaratory Statement. Plumbing contractors may condemn, remove and replace a heating element and thermostat on an electric water heater, pursuant to Section 489.105(3)(m), Florida Statutes.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement for Gerard Chimney Company, filed on January 26, 2010. The Notice of Petition for Declaratory Statement was published in Vol. 36, No. 10, of the March 12, 2010, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 16, 2010. The petition requested the Board's interpretation of Chapter 489, Part I, Florida Statutes, and whether a specialty company who inspects, repairs, maintains and demolishes chimneys, smokestacks, and related tall structures must possess a contractor's license from Florida before bidding or performing any public or private work in its specialized area of expertise within the State of Florida.

The Board's Order, filed on July 6, 2010, answers the Petition for Declaratory Statement. A division 1 contractor's license is required to perform the described chimney work, with the correct license corresponding to the height and type of the related structure, except where the work to be performed falls within the scope of a division 2 contractor's license.

A copy of the Board's Order may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Anthony C. Apfelbeck, concerning Willow Park Apartment Complex on

October 22, 2010. The petition seeks the agency’s opinion as to the applicability of Section 633.0215(14) and Note 1 to Section 633.0215(14), Florida Statutes, as it applies to the petitioner.

The Petitioner is a Fire Official with the City of Altamonte Springs, Florida with the responsibility of enforcing the Florida Fire Prevention Code, Chapter 633, Florida Statutes and Chapter 69A-60, Florida Administrative Code. This petition for declaratory statement is referring to Willow Park apartment complex on Lake Adelaide within the jurisdictional limits of the City of Altamonte Springs subject to the provisions of the 2007 edition of the Florida Fire Prevention Code and regulated as an existing apartment under Chapter 31. Petitioner asks specific questions. 1) Does subsection (14) of the Florida Statutes 633.0215 apply to the Willow Park apartment complex; given that it is not a condominium form of ownership? 2) If the answer to question 1 is “No,” is the editorial footnote language in Section 633.0125(14), F.S., stating “A condominium, cooperative, or multifamily residential building that is less than four stories in height and has a corridor providing an exterior means of egress is exempt from the requirement to install a manual fire alarm system under s. 9.6 of the Life Safety Code adopted in the Florida Fire Prevention Code” enforceable and applicable to this apartment complex as editorially published footnote text? 3) May the Willow Park on Lake Adelaide apartments remove an existing manual fire alarm system originally installed to comply with section 31.3.4.1.1 of the 2007 FFPC?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mail: Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal, has issued an order disposing of the petition for declaratory statement filed by Ed Riley, the fire code official for Collier County, on September 10, 2010. The following is a summary of the agency’s disposition of the petition:

The question involves the exit egress requirements for a three story structure with an open space between the second and third levels. In order to access the enclosed exits, the occupants must pass through the open areas. The Declaratory Statement

applies the Florida Fire Prevention Code to these facts and concludes that the occupants must have exit egress that is separated from the open areas by a smoke barrier.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax: (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mailing your request to: Lesley.Mendelson@myfloridacfo.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF CANCELLATION

NOTICE OF INVITATION TO BID – BID NO. BDC 17-10/11
PROJECT NAME: Lake Kissimmee State Park-Cow Camp
Bridge Replacement.

The advertisement regarding this bid which was published in Vol. 36, No. 45, November 12, 2010 issue of the F.A.W. has been cancelled.

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals (RFP) 2010-16 for SAIL Funding for
Guarantee Program Developments who Commit to provide
additional set-aside for ELI Households

RFP 2010-16 State Apartment Incentive Loan (SAIL) Funding
for Guarantee Program Developments Who Commit to Provide
Additional Set-Aside Units for ELI Households.

The Florida Housing Finance Corporation invites all Guarantee
Program Developments who will commit to provide additional
set-aside units for Extremely Low Income (ELI) households to
submit Proposals in accordance with the terms and conditions
set forth in the Request for Proposals (RFP) 2010-16.

Proposals shall be accepted until 2:00 p.m. (Eastern Time),
Friday, December 3, 2010, to the Attention: Sherry Green,
Contracts Administrator, Florida Housing Finance
Corporation, 227 North Bronough Street, Suite 5000,
Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the Attention: Sherry Green, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site: http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFPs.aspx.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

RFP 2011-CL-8700 Residential Options Resource Guide

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2011-CL-8700) is released in order to fund the development of a Florida specific resource guide that can be used by individuals and families to evaluate their individual housing needs and determine the most appropriate residential option for their specific situation. The selected provider will develop a county by county resource guide that provides an overview of all housing options for people with developmental disabilities in their local areas (to include rental and ownership).

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. The anticipated award for this project is expected to range from \$60,000 to \$100,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 201, Tallahassee, FL 32301 or call: (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free (888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is December 10, 2010 by 4:00 p.m. (EST). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of December 13, 2010. The deadline for submitting proposals for this RFP to FDDC is January 28, 2011 by 2:00 p.m. (EST).

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

RFP 2011-CL-8800 Transportation Stakeholders' Task Force The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2011-CL-8800) is released in order to develop and convene a transportation stakeholders' task force to determine next steps for moving forward with the development and implementation of a transportation voucher pilot program for Florida. This project will also require detailed research on available grant funding opportunities that the Council and/or its collaborating partners can pursue for the specific purpose of implementing the transportation voucher pilot program outlined in the Council's "Innovative Approaches for Increasing Transportation Options for People with Disabilities in Florida" report. An electronic copy of this report can be downloaded from the Council's website (www.fddc.org).

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. The anticipated award for this project is expected to range from \$60,000 to \$80,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website or copies may be requested by writing: FDDC at 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is December 10, 2010 by 4:00 p.m. (EST). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of December 13, 2010. The deadline for submitting proposals for this RFP to FDDC is February 11, 2011 by 2:00 p.m. (EST).

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X-it Outdoors, LLC, intends to allow the establishment of Villages Golf Cart Man, LLC, as a dealership for the sale of low-speed vehicles manufactured by Stealth Manufacturing, LLC (STLM) at 200 South 14th Street, Leesburg (Lake County), Florida 34748, on or after December 2, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Villages Golf Cart Man, LLC, are dealer operator(s): Tony Colangelo, Sr., 110 La Grande Boulevard, Lady Lake, Florida 32159, principal investor(s): Tony Colangelo, Sr., 110 La Grande Boulevard, Lady Lake, Florida 32159.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Andrew Wray, X-it Outdoors, LLC, 9957 Moorings Drive, Suite 504, Jacksonville, Florida 32257.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT
CITY OF FORT MYERS, FLORIDA**

The Department of Environmental Protection has determined that the City of Fort Myers's proposed construction of the Stormwater Detention Basin in the Downtown area will not have a significant adverse affect on the environment. The total project cost is estimated at \$4,500,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice.

A full copy of Florida Categorical Exclusion Notice can be obtained by writing: Pankaj Shah, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8358.

**NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTICE
TOWN OF MEDLEY, FLORIDA**

The Department of Environmental Protection has determined that the Town of Medley's proposed construction of drainage improvements along the Town's Flood Mitigation project area will not have a significant adverse impact on the environment. The total estimated construction cost is \$2,406,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: David O'Brien, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8367.

**NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT
CITY OF MELBOURNE, FLORIDA**

The Department of Environmental Protection has determined that the City of Melbourne's proposed Wastewater Treatment and Reclaimed Water Reuse Facilities will not have a significant adverse affect on the environment. The total project cost is estimated at \$20,920,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. Public comment must be received at the address below within 30 days of this notice.

A full copy of Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8358.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On November 2, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Gwendolyn C. Jackson, R.N., License #RN 9293977. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon

General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 4, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Kristen Rae Larson, L.P.N., License #PN 5149861. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 2, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Dina Joyce Mazzaferro, L.P.N., License #PN 5187819. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 2, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the registration of Johnathan Phi Hung Pham, R.P.T., Registration #RPT 28361. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 2, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the registration of Michelle Lee Yuhas, R.P.T., Registration #RPT 13497. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon

General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Note: Effective December 3, 2010, the Office of Financial Regulation will no longer publish notices in the F.A.W. regarding applications from credit unions for bylaw amendments requesting changes in their fields of membership. Such notices will continue to be published on the website of the Office of Financial Regulation at the following web address: <http://www.flofr.com/banking/cufm.asp>.

For more information, contact: C. Michael Marschall, Assistant General Counsel, Office of Financial Regulation, (850)410-9800 or Mike.Marschall@flofr.com.

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P. O. Box 8050		General Counsel's Office
Tallahassee, Florida		The Fletcher Building
32314-8050		Suite 118
Phone: (850)410-9800		101 East Gaines Street,
Fax: (850)410-9548		Tallahassee, Florida
		32399-0379
		Phone: (850)410-9896

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 10, 2010):

APPLICATION TO MERGE

Constituent Institutions: First Coast Community Credit Union, Palatka, Florida, and Putnam County Federal Credit Union, Palatka, Florida

Resulting Institution: First Coast Community Credit Union
Received: November 2, 2010

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN November 1, 2010
 and November 5, 2010**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

5I-4.002	11/3/10	11/23/10	36/37	
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PUBLIC SERVICE COMMISSION

25-30.0371	11/2/10	11/22/10	36/39	
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DEPARTMENT OF CORRECTIONS

33-501.401	11/2/10	11/22/10	36/39	
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33-601.830	11/2/10	11/22/10	36/39	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Athletic Commission

61K1-1.040	11/1/10	11/21/10	36/30	
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Child and Farm Labor Program

61L-1.012	11/2/10	11/22/10	36/36	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

65G-4.0021	11/1/10	11/21/10	36/35	
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65G-4.0022	11/1/10	11/21/10	36/35	
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65G-4.0023	11/1/10	11/21/10	36/35	
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65G-4.0024	11/1/10	11/21/10	36/35	
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65G-4.0025	11/1/10	11/21/10	36/35	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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OFFICE OF FINANCIAL REGULATION
Securities

69W-301.002	11/2/10	11/22/10	36/33	36/39
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69W-600.001	11/2/10	11/22/10	36/33	
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69W-600.0015	11/2/10	11/22/10	36/33	
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69W-600.002	11/2/10	11/22/10	36/33	
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69W-600.004	11/2/10	11/22/10	36/33	
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69W-600.005	11/2/10	11/22/10	36/33	
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69W-600.006	11/2/10	11/22/10	36/33	
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69W-600.007	11/2/10	11/22/10	36/33	
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69W-600.008	11/2/10	11/22/10	36/33	
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69W-600.009	11/2/10	11/22/10	36/33	
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69W-600.0091	11/2/10	11/22/10	36/33	
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69W-600.0092	11/2/10	11/22/10	36/33	
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69W-600.0093	11/2/10	11/22/10	36/33	
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69W-600.010	11/2/10	11/22/10	36/33	
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69W-600.012	11/2/10	11/22/10	36/33	36/40
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69W-600.013	11/2/10	11/22/10	36/33	36/40
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69W-600.0131	11/2/10	11/22/10	36/33	36/40
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69W-600.0132	11/2/10	11/22/10	36/33	
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69W-600.014	11/2/10	11/22/10	36/33	
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69W-600.015	11/2/10	11/22/10	36/33	
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69W-600.016	11/2/10	11/22/10	36/33	
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69W-600.017	11/2/10	11/22/10	36/33	
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69W-600.020	11/2/10	11/22/10	36/33	36/40
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69W-700.002	11/2/10	11/22/10	36/33	
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69W-700.015	11/2/10	11/22/10	36/33	
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69W-700.028	11/2/10	11/22/10	36/33	
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69W-800.001	11/2/10	11/22/10	36/33	
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69W-800.003	11/2/10	11/22/10	36/33	
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69W-800.004	11/2/10	11/22/10	36/33	
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69W-900.001	11/2/10	11/22/10	36/33	
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69W-1000.001	11/2/10	11/22/10	36/33	
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